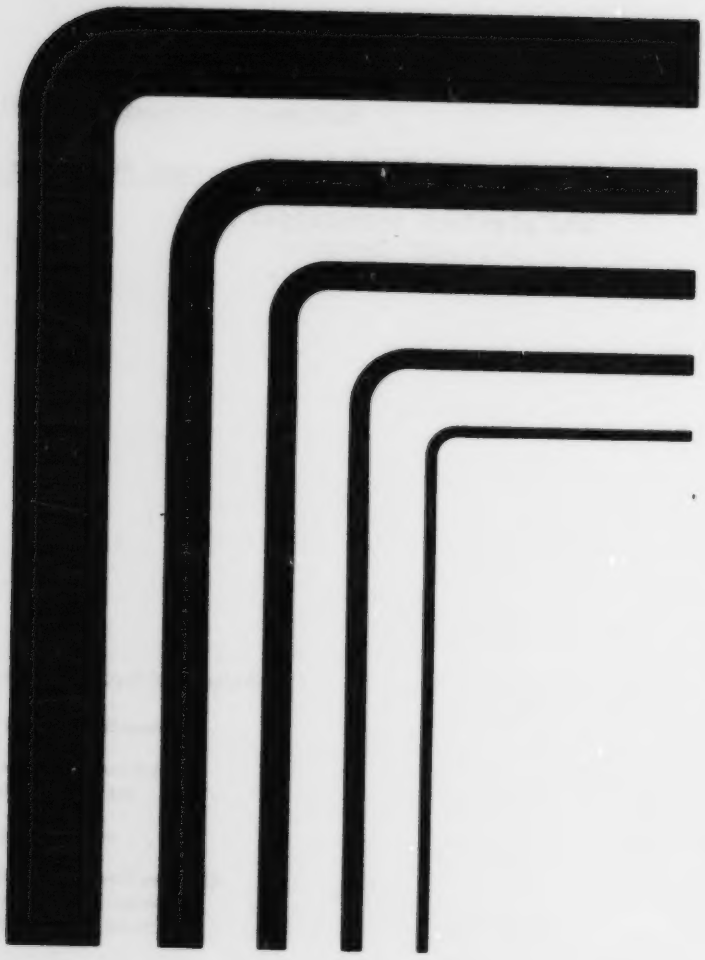
labour standards in Canada

1982



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FOREWORD

This publication sets out the provisions of federal, provincial and territorial labour standards legislation enacted as of September 1, 1982 in the following areas: statutory school-leaving age, minimum age for employment, minimum wage, equal pay, hours of work, weekly rest-day, annual vacations with pay, general holidays, termination of employment and maternity protection.

This is an update and revision of Labour Standards in Canada, 1980-81. Legislative changes made between June 2, 1981 and September 1, 1982 were taken into consideration in the revision.

The publication was reviewed and updated by Geoffrey Brennan. It was originally prepared by Rosemary O'Hara and Jeffrey Lawrence.

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CONTENTS

	Page
Division of Legislative Powers	1
Statutory School-Leaving Age	3
Minimum Age for Employment	7
Minimum Wage	27
Equal Pay	38
Hours of Work	41
Weekly Rest-Day	58
Annual Vacations With Pay	62
General Holidays	72
Individual and Group Termination of Employment	91
Maternity Protection	117
Paternity and Adoption Leave	117
List of Acts and Regulations	130

TABLES

1.	Statutory School-Leaving Ages and Work Exemptions	4
2.	Minimum Age for Employment	13
3.	Minimum Wage Rates for Experienced Adult Workers	32
4.	Minimum Wage Rates for Young Workers and Students	33
5.	Minimum Rates and Learning Periods for Inexperienced Workers	34
6.	Minimum Wage Rates for Other Categories of Employees	35
7.	Maximum Charges Permitted for Board and Lodging	37
8.	General Hours of Work and Overtime Rates	50
9.	Annual Vacations with Pay	69

10. Paid General Holidays .....

11. Notice of Individual Termination of Employment .....

12. Notice of Group Termination of Employment .....

13. Maternity Protection and Parental Leave .....

DIVISION OF LEGISLATIVE POWERS

Both the Parliament of Canada and the provincial legislatures have the power to enact labour laws. The jurisdiction of the provincial and federal governments arises from the Constitution Act, 1867, Sections 91 and 92. Judicial interpretation of these sections gives provincial legislatures major jurisdiction, with federal authority limited to a narrow field.

Provincial authority is derived from the "property and civil rights" subsection of the Constitution Act, 1867. The right to enter into contracts is a civil right, and since labour laws impose certain restrictions on contracts between employers and employees, they fall within provincial authority as property and civil rights legislation. Provinces also have the right to legislate as to "local works and undertakings."

Federal jurisdiction in the labour law field arises from the right to regulate certain subjects expressly assigned to Parliament by Section 91 of the Constitution Act, 1867, or expressly excepted from provincial jurisdiction by Section 92. These subjects are of a national, international or interprovincial nature. In addition, Parliament has jurisdiction to regulate works wholly within a province which have been declared by Parliament to be works "for the general advantage of Canada or for the advantage of two or more of the provinces", as, for example, grain elevators, feed mills and uranium mines. By virtue of its exclusive power to regulate certain works and undertakings, Parliament has the incidental power to enact labour laws relating to those works and undertakings.

The Canada Labour Code applies to:

(1) Works or undertakings connecting a province with another province or country, such as railways, bus operations, trucking, pipelines, ferries, tunnels, bridges, canals and telegraph, telephone and cable systems.

(2) All extra-provincial shipping and services connected with such shipping, e.g., longshoring and stevedoring.

(3) Air transport, aircraft and aerodromes.

(4) Radio and television broadcasting.

(5) Banks.

(6) Defined operations of specific works that have been declared to be for the general advantage of Canada or of two or more provinces, such as flour, feed and seed cleaning mills, feed warehouses, grain elevators and uranium mining and processing.

(7) Most federal Crown corporations, e.g., the Canadian Broadcasting Corporation and the St. Lawrence Seaway Authority.

The jurisdiction of Parliament is generally limited to the above industries, with certain possible additions arising from subsequent judicial decisions.

In addition, Parliament has exclusive jurisdiction to pass laws dealing with the Yukon and Northwest Territories. Parliament has enacted legislation for local government in each territory, granting power over property and civil rights and matters of a local and private nature. Accordingly, the territorial governments have virtually the same legislative powers with regard to labour laws as do the provinces.

Labour standards legislation has been enacted by the territorial councils of the Yukon and Northwest Territories in most of the fields of legislation covered by this publication. Labour standards ordinances, modelled on the Canada Labour Code, Part III (Labour Standards), with modifications to meet the particular requirements of the territories, went into force July 1, 1968. The ordinances were revised in 1971 in the Yukon and in 1974 in the Northwest Territories. The ordinances established minimum standards of hours of work, wages, weekly rest-days, annual vacations and general holidays for employees in the two territories. Previous to the enactment of the Northwest Territories Ordinance, the only labour standards applicable were those established by mines legislation. Standards in the Yukon ordinance replaced those previously laid down in the Yukon Labour (Minimum Wages) Ordinance, the Labour Provisions Ordinance and the Annual Vacations Ordinance.

In both territories, the ordinance is administered by a labour standards officer appointed by the commissioner. The Northwest Territories legislation provides for a Labour Standards Board, consisting of five members and having responsibility for hearing appeals of decisions of the labour standards officer. Under the terms of the Yukon ordinance, the Commissioner must appoint an Advisory Board that is representative of the interests of the employers and the employees.

The ordinances apply to employers and employees in any work, undertaking or business of a local or private nature in the territories. The Northwest Territories ordinance excludes domestic servants in private homes, trappers, persons engaged in commercial fisheries, and managers, superintendents or persons who exercise management functions. Members or students of designated professions may be excluded by regulations. The Yukon ordinance applies generally but certain classes of employees are excluded from Part I governing hours of work.

STATUTORY SCHOOL-LEAVING AGE

In all provinces there is a school attendance law which makes it compulsory for children between specified ages to attend school. Exceptions are permitted where a child is unable to attend because of illness or other unavoidable cause and, in most provinces, because of distance from school (where no conveyance is provided) or lack of school accommodation. Some Acts stipulate that a child may be excused from attendance before reaching the statutory school-leaving age if he has already attained a specified standing. An exception may also be granted in special cases, if it appears to be in the interest of the child that he should be excused from school attendance, or where the child is certified to be under efficient instruction elsewhere.

In Manitoba, a child over 15 may be permitted to leave school on production of a certificate signed by his parent or guardian, the school attendance officer and the superintendent of schools or, if there is no superintendent, by the school inspector.

In five provinces, a child may be exempted from school attendance for a temporary period on the application of his parent or guardian, if his services are required for necessary farm or home duties or for employment. The New Brunswick Schools Act states that the minister of education may issue a certificate relieving a child from school attendance for a maximum period of 6 weeks in each school term, on the written application of the child's parent, if he agrees with the reasons for such application. In Prince Edward Island, the minister of education may certify in writing to the regional school board that a child should be exempted from school attendance. No such exemptions are provided for in Alberta, British Columbia and Ontario.

In the Northwest Territories, if a child reaches his 15th birthday after December 31, he must attend to the end of the school year. In the Yukon a pupil must attend school until the last day in June in the year in which he attains the age of sixteen years. As in the provinces, a child may be exempted from school attendance if he is under instruction in some other satisfactory manner, if he is prevented from attending school for any unavoidable cause, or if he has reached a standard of education equal to or higher than that to be attained in the school. In the Northwest Territories, a child may be allowed to leave school before the statutory school-leaving age if he has completed grade eight or its equivalent. An exception is also permitted in the Northwest Territories in the case of a child who is unable to attend because of distance from school or lack of school accommodation.

The employment of children of school age during school hours is forbidden unless a child is excused for any reason provided in the acts. The school-leaving age in each province and territory and the provisions for exemption for employment are shown in the table below.

1. STATUTORY SCHOOL-LEAVING AGES AND WORK EXEMPTIONS

Jurisdiction and Legislation	School-leaving Age	Work Exemptions
Alberta The School Act	16	Work experience program approved by the minister of education, the Board of Industrial Relations and the parents of the children.
British Columbia The Schools Act	15 — unless course completed at nearest public school and transport to higher school not provided.	
Manitoba The Public Schools Act	16	Over 15, with certificate signed by parent, attendance officer and superintendent of schools.
New Brunswick Schools Act	15 — unless grade 12 passed.	For not more than 6 weeks in each school term if minister agrees with reasons for parents' application.
Newfoundland The School Attendance Act	15 — must attend to end of school year.	For period stated in certificate if services needed for maintenance of self or others. Child under 12 for not more than 2 months in a school year except with approval of Minister.

Jurisdiction and Legislation	School-leaving Age	Work Exemptions
Nova Scotia The Education Act	16	If 12, for not more than 6 weeks in a school year if services needed for home duties or other necessary employment. If 13, with employment certificate if services needed for maintenance of self or others; medical certificate may be required.
Ontario Education Act	16 — unless secondary school or equivalent completed. Must attend to end of school year.	
Prince Edward Island School Act	16	If grade 12 completed or minister certified exemption from school attendance.
Québec Education Act	15 — must attend to end of school year.	For not more than 6 weeks in a school year if services needed in farming, home duties or maintenance of self or relatives.
Saskatchewan Education Act (1978)	16 — unless eigth grade or equivalent completed and exempted by superintendent	Work experience program approved by the Board of Education.

Jurisdiction and Legislation	School-leaving Age	Work Exemptions
Northwest Territories School Ordinance	15 — must attend to the end of the school year if after December 31, or unless grade eighth or equivalent passed. Also where distance from or lack of school accommodation prevents attendance.	
Yukon Territory School Ordinance	16 — unless for unavoidable cause, has reached a standard equal to or higher than school's standard, or being instructed in a manner and to a standard satisfactory to the superintendent.	

MINIMUM AGE FOR EMPLOYMENT

The Canada Labour Code, Part III and regulations do not set an absolute minimum age for employment, but lay down conditions under which young persons under 17 years may be employed in federal undertakings. A young person under 17 may be employed in a federal industry only if he is not required to be in attendance at school under the laws of his province; the work in which he is to be employed is not likely to injure his health or endanger his safety; and he is not employed underground in a mine or in work prohibited for young workers under the Explosives Regulations, the Atomic Energy Control Regulations or the Canada Shipping Act.

Employment for young workers under 17 is subject to two further conditions: that an employee under 17 is not required or permitted to work between 11 p.m. and 6 a.m.; and that he is paid not less than $3.25 an hour, unless he is undergoing on-the-job training under an approved training plan.

The Canada Shipping Act fixes a minimum age of 15 for employment at sea.

In the provincial jurisdictions, the minimum age for employment is set by a variety of legislation: employment standards acts, child welfare acts, factory or industrial safety laws, minimum wage orders, mining acts, and apprentices and tradesmen's qualification acts.

The employment of a young person below a certain age is prohibited in Alberta without the written consent of a parent or guardian, in British Columbia without the permission of the director of employment standards, in Manitoba without the permission of the minister, in New Brunswick without the written authorization of the Occupational Health and Safety Commission, in Newfoundland without holding a licence requiring parental consent and in Nova Scotia and Québec, during school hours, unless a work certificate has been issued to the child.

Moreover, most jurisdictions establish by regulation those occupations in which young persons may or may not be employed, according to the likelihood that such occupations may be injurious to life, health, education or welfare. Some occupations in which employment of young persons is permitted are further regulated by special conditions such as supervision of an adult, prohibition to work between certain hours and limited hours of work per day or week.

General Provisions

In Alberta, the Employment Standards Act provides that no person under the age of 15 who is required to attend school shall be employed without the written consent of his/her parent or guardian and the approval of the director of employment standards. The Lieutenant-Governor-in-Council may prescribe the conditions of such employment. Regulations under the act specify those occupations in which persons under 15 years of age

may be employed, and prohibit the employment of persons under 18 in occupations considered injurious to life, health, education or welfare.

Hence a person from 12 to 15 years of age may be employed as a delivery person or a clerk in a retail store, a clerk or a messenger in an office, a delivery person of newspapers, flyers or handbills. They may not work during school hours, and never between 9 p.m. and 6 a.m.. The written consent of a parent or guardian is required. Persons 15 to 18 years of age may not be employed in the retail business in a hotel, motel or restaurant between the hours of 9 p.m. and the following 12:01 a.m. unless constantly supervised by an adult, and never between the hours of 12:01 a.m. and 6 a.m. In other businesses, a young person can be employed during the hours of 12:01 a.m. and 6 a.m. only with the written consent of a parent or guardian and under constant supervision of an adult.

The British Columbia Employment Standards Act stipulates that no person may employ a person under the age of 15 without the permission of the director of employment standards or his authorized representative and no parent or guardian can consent to it. The director may set the conditions of such employment. The act or the section covering child employment do not apply, however, to many categories of employees; for example, children may be employed without the concern of the director in most performing arts, in the caring of a child, a disabled or an infirm person, or on a work experience or occupational training program.

In Manitoba, the Employment Standards Act prohibits the employment of persons under 16 in any place where the operations of the employer include, as a substantive part, the processing, producing, manufacturing, cleaning, altering, repairing or servicing of any material, substance, article, machinery or thing by manual labour and/or by the use of machinery. The act also provides that the Lieutenant-Governor-in-Council may make regulations prohibiting or regulating the employment of persons 16 to 18 years of age in any place of employment deemed to be dangerous, unwholesome or unhealthy. According to the Public Schools Act, a person under 16 cannot be employed during the hours in which he or she is required to be in attendance at school.

In New Brunswick, the Occupational Health and Safety Act prohibits the employment of a child under 16 years of age in any place of employment without the written authorization from the Occupational Health and Safety Commission. In addition the Commission may prohibit the employment of young persons between 16 and 18 years of age in any place of employment considered to be dangerous or injurious to their health, safety or welfare. The Minimum Employment Standards Act provides that no employee under 18 years may be employed for more than 9 hours in a day or 48 hours in a week without the written authorization of the minister. The Public School Act prohibits the employment of a child during the hours in which he or she is required to be in attendance at school.

The Newfoundland Child Welfare Act defines a "child" as an unmarried boy or girl actually or apparently under the age of 16 years. Under the Act no child under 16 may be employed between the hours of 10 p.m. and 7 a.m. or in any occupation prohibited by an order of the

Lieutenant-Governor-in-Council. Employers are forbidden to employ an unmarried girl under 16 in a restaurant, tavern or hotel without the written consent of her parents or guardian. Neither may a child under 16 be employed for remuneration when he or she is required to be at school by the provisions of the School Attendance Act, 1978. Certain municipal authorities are empowered to regulate, control and license the employment of children as messengers, vendors of newspapers and small wares, shoe shiners, or pin boys in bowling alleys. A licence may not be issued to a female child, a male child under 12, or without written parental consent to a male child between the ages of 12 and 14 years. Further, licence holders are forbidden to work after 8 p.m. during the months of December, January and February or after 9 p.m. throughout the rest of the year.

The Labour Standards Act of Newfoundland, which defines a "child" as a person under the age of 16, provides that no employer may employ a child to do any work that is or is likely to be unwholesome or harmful to his or her health or normal development, or prejudicial to attendance at school or to the child's capacity to benefit from instruction given at school. An employer must not employ a child to work: (1) for more than eight hours a day; (2) more than three hours on a school day unless a certificate covering that day has been issued under section 8 of the School Attendance Act; (3) for a period which, added to the time required for attendance at school, totals more than eight hours; (4) in circumstances that would prevent a child from obtaining a rest period of less than 12 consecutive hours a day; (5) in occupations which are hazardous; (6) who is under the age of 14 years unless the work is prescribed within prescribed undertakings; or (7) while a strike or lockout of the employer's employees is in progress.

The Nova Scotia Labour Standards Code, prohibits the employment of persons under 16 years of age in work of any kind in an industrial undertaking, the forest industry, garages and automobile service, hotels and restaurants, the operating of elevators, in theatres, dance halls, shooting galleries, bowling alleys, billiard and pool rooms, and in other work prohibited by regulation. The code nevertheless provides for one exception: the foregoing prohibitions do not apply to an employer who employs members of his family. Further restrictions are imposed on the employment of children under 14 years. No person can employ such a child to do work that is or is likely to be unwholesome or harmfull to his health or normal development or prejudicial to school attendance or to the child's capacity to benefit from instruction given in school. Such a child cannot work for more than eight hours in any day, or three hours on a school day, unless a certificate authorizing the employment of the child has been issued under the Education Act. Nor can he or she work for any period which, when added to school hours on that day, totals more than eight hours. A child under 14 cannot be employed between the hours of 10 p.m. and 6 a.m. on the following day, nor in any other work prohibited by regulation. The Education Act and its regulations prohibit employment of a person under 16 during school hours, unless an employment certificate has been issued to the child.

Regulations issued under The Occupational Health and Safety Act of Ontario set a minimum age for a worker or person permitted to be in or

about an industrial establishment at 16 years in a logging operation, 15 years in a factory other than a logging operation and 14 years in a workplace other than a factory, except if accompanied by an adult, on a guided tour of the premises or is in an area used for sales purposes or to which the public generally has access. The Education Act and its regulations prohibits the employment of a person under 16 during school hours, unless he or she has completed secondary school or its equivalent.

The Prince Edward Island law (the Minimum Age of Employment Act) sets a minimum age of 15 years for employment in mining, manufacturing, shipbuilding, electrical works, construction, transport by road, rail or inland waterway, undertakings involving the conversion, canning or packaging of any farm or sea products, and the printing and publishing of newspapers, books and magazines. These provisions do not apply to an employer's family if the employment is not dangerous to the life, health or morals of the child. On the recommendation of the minister of labour, a higher age than 15 years may be prescribed for employees under 18 where the nature of the employment may be dangerous to life, health or morals. The act does not apply to work done by children in approved technical schools.

Previously in Québec, minimum age legislation for employment in industrial or commercial establishments was found in the Industrial and Commercial Establishments Act. Effective January 1, 1981 this Act was replaced by An Act Respecting Occupational Health and Safety which states that regulations may be issued fixing the minimum age at which a worker may carry out particular work. To this day, no new regulations have been issued. However, the regulations made under the Industrial and Commercial Establishments Act remain in force, to the extent that they are consistent with this act, until they are amended, replaced or repealed by a regulation made under this act. Hence, in Québec, the minimum age for employment in an industrial or commercial establishment is 16 years. The same minimum age applies to employment in hotels, restaurants, theatres and other places of amusement, and to the employment by a department store or telegraph company of boys or girls as messengers. Children of 15 years of age may be employed in any of these workplaces during school vacations, but only with a permit from the inspector.

Boys and girls under 16 are forbidden to sell papers or carry on any street trade unless they can read and write fluently, and such work may not be carried on after 8 p.m.

The Education Act also prohibits the employment of a person under 15 years of age during school hours, unless an employment certificate has been issued for the child.

A minimum wage order in Saskatchewan fixes the minimum age at which employees may be employed in any educational institution, hospital, nursing home, hotel or restaurant at 16 years, and the Education Act prohibits the employment of children under 16 during school hours. The Family Services Act defines a "child" as a boy or girl actually or apparently under the age of 16 years and makes it an offence to cause or procure a child to be employed at anytime or place where such employment is detrimental to the welfare of the child by reason that the nature of the

employment is unsuitable for the child, or provision has not been made to ensure his or her proper care and treatment.

The Northwest Territories' Labour Standards Ordinance provides that persons under the age of 17 may be employed in any occupation except in occupations, and subject to such conditions, as may be prescribed by regulations. The Employment of Young Persons Regulation prohibits the employment of such persons in a place liable to be detrimental to health, education or moral character. The young persons may not work between the hours of 11 p.m. and 6 a.m. The following day without the written approval of a labour standards officer.

In the Yukon, under the Labour Standards Ordinance, a person under the age of 17 may be employed in any occupation, except those prohibited by regulations. As yet, no regulation prescribes any restrictions.

Special Provisions

Many places of employment, such as mines, construction sites, designated trades, etc. are often considered unsuitable for young persons or children.

In all jurisdictions except Saskatchewan, a person under 16 years of age cannot be employed in a designated trade, or, in other words, become an apprentice before that age.

Construction projects are off-limits to persons under 16 in Nova Scotia, in Ontario (unless that person has attained the age of 15 and has been excused from attendance at school) and in Saskatchewan. In Prince Edward Island, the minimum age for employment in the construction industry is 15, and in the Northwest Territories, 17. In Québec, persons under 18, by virtue of the Construction Safety Code, cannot operate hoisting apparatus nor be employed underground or at the face of an open-pit site.

Mines Acts in all provinces but Prince Edward Island (which has no mining operations) fix the minimum age for employment in mines. It varies from 16 to 21 years of age. Alberta prohibits the employment of persons under 17 years of age underground in a coal mine. In British Columbia, a person under 18 cannot work below ground in any mine unless that person has reached the age of 17 and is in training. In Manitoba, it is prohibited to employ a person under 18 underground, or a person under 16 above ground in a mine. A person under 16 in New Brunswick cannot be employed in a coal mine, and persons under 18 cannot be employed underground in a metal mine but persons aged 16 to 18 may be employed above ground in such a mine. In Newfoundland, it is prohibited for a person under 18 to work underground, but a person aged 16 may work above ground. In Nova Scotia, a person under the age of 18½ cannot work below ground in a coal mine, but persons aged 16 or more may work above ground. Ontario prohibits the employment of persons under 16 years of age in or about a mine, and only those 18 years or more may be employed underground or at the working face of a surface mine. In Saskatchewan, only persons aged 18 or more can work underground or at the working face of an open-pit mine. In

the Northwest Territories, persons under 16 are prohibited in or about a mine, persons under 18 underground or at the working face of a surface mine, and persons under 21 at the controls of hoisting machinery. In the Yukon, persons under 18 cannot be employed underground or at the working face of an open-pit mine and persons under 21 cannot operate hoisting machinery. Females are forbidden to work in mines in the Northwest Territories, Nova Scotia, Ontario, Saskatchewan and the federal jurisdiction.

In Alberta, special provisions regulate the employment of young persons (from 12 to 18 years old) in entertainment. They require that a licence for employment be issued by the Child Welfare Commission after it has ensured itself of the absence of possible moral or physical injury and of the child's welfare.

According to the Child Welfare Act in Ontario, persons under 16 cannot engage in any trade or occupation in a place to which the public has access between the hours of 9 p.m. and 6 a.m. the following day. They may be employed in public entertainment, but only with the approval of Children's Aid Society and after ensuring proper provisions for the health and proper treatment of the child. Under the Occupational Health and Safety Act, a person under 16 is not permitted in or about a logging opperation.

A regulation issued under The Occupational Health and Safety Act in Saskatchewan states that no person under the age of 16 years may be permitted to work: (a) at or about any construction site, work of engineering construction, trench or excavation; (b) at any pulp mill, saw mill or woodworking establishment; (c) in the vicinity of industrial processes at any factory; (d) in any silo, storage bin, vat, hopper, tunnel, shaft, sewer or other confined space; (e) on the cutting line of any packing plant or the evisceration line of any poultry plant; (f) in any forestry or logging operation; (g) on any drilling or servicing rig; (h) as an operator of any heavy mobile equipment, any crane or other heavy hoisting equipment; or (i) as an operator of a forklift truck or similar mobile equipment within a place of employment or in the vicinity of other workers. The regulation also prohibits a person under 18 years of age from working underground or at the open-pit face of any mine, as a radiation worker, or in any activity for which respiratory protective equipment is required by any regulations made under the act, except where that work is performed under close and competent supervision.

2. MINIMUM AGE FOR EMPLOYMENT

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Federal	Canada Labour Code	under 17	Only if not required to be at school under provincial legislation and the work involved falls outside excluded categories and is unlikely to endanger health or safety. Never between 11 p.m. and 6 a.m.	Canada Shipping Act	under 15	Cannot be employed at sea.
Alberta	The Employment Standards Act and Regulation	12 to 15	May be employed as a delivery person or a clerk in a retail store, a clerk or a messenger in an office, a delivery person of newspapers, flyers or handbills. Not during shool hours, and never between 9 p m. and 6 a.m. With written consent of parent or guardian.	Child Welfare Act	12 and up	Entertainment: licence for employment from Child Welfare Commission necessary. Commission will ensure itself of the absence of possible moral or physical injury and of the child's welfare.
				The Coal Mines Safety Act	under 17	Cannot work below ground, but may be employed in the mine office or on the surface.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Alberta (cont'd)		15 to 18	May not be employed in the retail business in a hotel, motel or restaurant between the hours of 9 p.m. to the following 12:01 a.m. unless constantly supervised by an adult, and never between the hours of 12:01 a.m. to 6 a.m. In other businesses, the young person can be employed during the hours of 12:01 a.m. to 6 a.m only with written consent from parent or guardian and under constant supervision of an adult.	The Manpower Development Act	under 16	Cannot be employed in a designated trade. Apprentices must be 16 years of age and over.
British Columbia	The Employment Standards Act and Regulations	under 15	Not without permission of the Director of Employment Standards, and only under conditions of such permit. But the act does not apply to members of	The Mines Act*	under 18	Cannot be employed below ground. But a person who has reached the age of 17 may be employed underground for the purpose of training.

*Until the relevant provision of the Mines Act (S.B.C. 1980, c.28) are proclaimed into force, the provisions of the Coal Mines Regulation Act (R.S.B.C. 1979, c.52) and the Mining Regulation Act (R.S.B.C. 1979, c.265) still apply. However, no change in the law will occur following this transition.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
British Columbia (cont'd)			certain specified professions, nor to students on a work experience or occupational training program, persons employed in a private residence to attend to a child, or a disabled or infirm (etc.), person, nor to persons receiving income under a specified employment incentive program. This provision also does not apply to artists, musicians, actors or performers, to disabled employees of a charity receiving therapy, and to various other occupations.			
Manitoba	The Employment Standards Act	under 16	Cannot be employed in the manufacturing industry. Cannot be employed in the businesses except with	Regulation under the Mines Act	16 to 18	Cannot be employed underground. A person of 16 years of age to 18 may be employed above ground.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Manitoba (cont'd)			permission of the minister and only according to the conditions of the permit. Must never be employed where detrimental to health, safety or moral well-being.	The Apprenticeship and Tradesmen's Qualifications Act	under 16	Cannot work in a designated trade. Apprentices must be at least 16 years of age.
	Public School Act	under 16	Not during the hours in which the child is required to be in attendance at school.			
New Brunswick	The Minimum Employment Standards Act	under 16	Not without the written authorization of the Occupational Health and Safety Commission.	The Mining Act (Regulation)	under 16	Cannot be employed in a coal mine.
					16 to 18	Cannot be employed underground in a metal mine. A person of 16 to 18 may be employed above ground.
	Occupational Safety Act	16 to 18	May be prohibited by the commission in any place of employment (including the construction industry) deemed injurious to health and well-being.	The Industrial Training and Certification Act	under 16	Cannot work in designated trades. Apprentices must be at least 16.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
New Brunswick (cont'd)		under 18	For no more than 9 hours a day and 48 a week, except with authorization.			
	Schools Act	under 15	Not during hours of required school attendance.			
Newfoundland	The Labour Standards Act	under 16	Not in work that is likely to be unwholesome or harmful to health and prejudicial to school attendance. Some occupations are prohibited by order of the Lieutenant-Governor. Never during school hours and between the hours of 10 p.m. and 7 a.m. For no more than 8 hours in a day, 3 on a school day.	Mines and Quarries Act and Regulations	16 to 18	Cannot obtain issue of a miner's permit. Cannot work underground. May work above ground.
				The Apprenticeship Act	under 16	Cannot work in designated trades. Apprentices must be 16 or older.
	The Child Welfare Act	12 to 14	May be employed as messengers, vendors of newspapers and small wares, shoe shiners or pin boys. Not after			

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Newfoundland (cont'd)			8 p.m. in winter months or 9 p.m. the rest of the year. Must hold a licence requiring parental consent.			
Nova Scotia	Labour Standards Act	under 16	Cannot be employed in an industrial undertaking, the forest industry, garages and service-stations, hotels and restaurants, the operating of elevators, theatres, dance halls, billiard and pool rooms and other work prohibited by regulation, unless employed in a family business.	Coal Mines Regulation Act	under 18½	Cannot work below ground.
				Metalliferous Mines and Quarries Regulation Act	under 16	Cannot work below ground nor above ground.
		under 14	Cannot do work that is likely to be unwholesome or harmful to health or prejudicial to school attendance.	Construction Safety Act	under 16	Cannot be employed on a construction project.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Nova Scotia (cont'd)			For no more than 8 hours a day, or 3 on a school day unless authorized. May not work on a day when school and work hours exceed 8. Not between 10 p.m. and 6 a.m.			
	Education Act and Regulations	under 16	Not during school hours, unless a work certificate has been issued to the child.			
Ontario	Occupational Health and Safety Act and Regulations	under 14	Cannot be employed in or about any industrial establishment.	The Child Welfare Act	under 16	Cannot engage in any trade or occupation in a place to which the public has access, between the hours of 9 p.m. and 6 a.m. May be employed in public entertainment, but only with the approval of the Children's Aid Society and after ensuring proper provisions for the health and proper treatment of the child.
		under 15	May not be employed in or about a factory. But may be employed elsewhere if the work is unlikely to endanger the child's safety.			

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Ontario (cont'd)		under 16	Not permitted in or about a logging operation. Nor in or about a construction project, unless has attained age of 15 and has been excused from attending school. Not permitted to be in or about a mine or a mining plant.	Apprenticeship and Tradesmen's Qualification Act	under 16	Cannot work in designated trades. An apprentice must be at least 16 years of age.
		16 to 18	Not permitted in an underground mine or at the working face of a surface mine.			
	Education Act	under 16	Never during school hours, unless secondary school, or equivalent, completed.			
Prince Edward Island	The Minimum Age of Employment Act	under 15	Unless in a family business, and then only if the work is not dangerous to health or morals, cannot be employed in an industrial	Apprenticeship and Tradesmen's Qualification Act	under 16	Cannot work in designated trades. An apprentice must be at least 16 years of age.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Prince Edward Island (cont'd)			undertaking (i.e., manufacturing, mining, shipbuilding, electricity, construction and transportation). The Act does not apply to work done by children in approved technical schools.	Construction Safety Act	under 15	Cannot work on a construction project.
Quebec			(This subject used to be covered by the Industrial and Commercial Establishments Act. This Act was replaced, effective January 1, 1981, by An Act Respecting Occupational Health and Safety, which contains no such provision).)	The Construction Safety Code	under 18	Cannot work on a hoisting apparatus, nor be employed at the controls of hoisting or moving equipment. Not underground nor at the face of an open-pit site.
	Education Act	under 15	Not during school hours, unless a certificate has been issued for the child.	Manpower Vocational Training and Qualification Regulation	under 16	Cannot become an apprentice in the designated trades before 16.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Saskatchewan	Minimum Wage Order No. 2 (1981)	under 16	Cannot be employed in any educational institution, hospital, nursing home, hotel or restaurant.	Apprenticeship and Tradesmen's Qualification Act	under 16	Cannot work in designated trades. An apprentice must be at least 16 years of age.
	Education Act	under 16	Not during school hours.			
	The Family Services Act	under 16	Not at a time or place where such employment is detrimental to the child.	Occupational Health and Safety Act and Regulations	under 16	Cannot be employed at or about any construction site, work of engineering construction, trench or excavation; at any pulp mill, sawmill or woodworking establishment; in the vicinity of industrial processes at any factory; in any silo, storage bin, vat, hopper, tunnel, shaft, sewer or other confined space; on the cutting line of any packing plant or the evisceration line of any poultry plant; in

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Saskatchewan (cont'd)					Under 16 (cont'd)	any forestry or logging operation; on any drilling or servicing rig; as an operator of any heavy mobile equipment, any crane or other heavy hoisting equipment; nor as an operator of a fork-lift truck or similar mobile equipment within a place of employment or in the vicinity of other workers.
					Under 18	Cannot work underground or at the working face of an open-pit mine, nor as a radiation worker, nor in any activity for which respiratory protective equipment is required by any regulation made under the Act, except where that work is performed under close and competent supervision

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Saskatchewan (cont'd)					under 18 (cont'd)	cannot work in any asbestos process, nor in any place where asbestos is likely to be present, except if in apprenticeship.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Northwest Territories	Labour Standards Ordinance	under 17	May be employed in any occupation except in such occupations and subject to such conditions as may be prescribed by regulation.	Employment of Young Persons Regulations	under 17	Cannot be employed in the construction industry without the written approval of a labour standards officer.
	Employment of Young Persons Regulation	under 17	Not in a place liable to be detrimental to the health, education or moral character of the young person. Never between the hours of 11 p.m. and 6 a.m. without the written approval of a labour standards officer.	Apprentices and Tradesmen's Ordinance	under 16	Cannot be employed in or about a mine.
					under 18	Cannot be employed underground or at the open face of any open cut working, pit or quarry.
					under 21	Cannot operate a hoist at a mine.

Jurisdiction	General Provisions			Special Provisions		
	Legislation	Age Group	Application	Legislation	Age Group	Application
Yukon Territory	Labour Standards Ordinance	under 17	May be employed in any occupation except in such occupations and not contrary to such conditions as may be prescribed.	Apprentice Training Ordinance	under 16	Cannot work in a designated trade. Apprentices must be at least 16 years old.
				Mining Safety Ordinance	under 18	Not to be employed underground or at the working face of any open-cut workings, pit or quarry.
					under 21	Cannot operate a hoist at a mine.

MINIMUM WAGE

Minimum wage legislation is in force in the federal jurisdiction, all Canadian provinces and the two Territories.

The Canada Labour Code (Part III, Division II) sets a minimum rate for employees 17 years of age and over in the federal industries. This rate may be increased from time to time by order of the Governor-in-Council. The rate for persons under 17 is established by regulation.

Employees who are paid on other than a time basis, such as pieceworkers and persons paid a mileage rate, are required to be paid the equivalent of the minimum wage.

An employer who is providing on-the-job training to increase the skill or proficiency of his employees, in accordance with conditions prescribed by the regulations, may be exempted from paying the minimum wage to such employees during the whole or part of the training period.

The code provides also for the payment of a wage lower than the minimum rate to handicapped employees under a system of individual permits.

Minimum wages are regulated by the following legislation — the Alberta Employment Standards Act, Part 3, Division 3; the British Columbia Employment Standards Regulation (B.C. Reg. 37/81); the Manitoba Employment Standards Act, Part II; the Newfoundland Labour Standards Act; the New Brunswick Minimum Wage Act[1]; the Nova Scotia Labour Standards Code, sections 48-54; the Ontario Employment Standards Act, 1974, Part V; the Prince Edward Island Labour Act, Part III, section 63; the Québec Act respecting labour standards, Ch. IV, Division I; the Saskatchewan Labour Standards Act, 1977, Part II; the Labour Standards Ordinance of the Northwest Territories, Part II; the Yukon Territory Labour Standards Ordinance, Part II.

Minimum Wage Boards

In most provinces, minimum wage boards or other labour boards are authorized by law to recommend minimum rates of wages or to establish such rates with the approval of the Lieutenant-Governor-in-Council. In Alberta, British Columbia, Newfoundland and Ontario minimum rates are established by the Lieutenant-Governor-in-Council. The rates are imposed by minimum wage orders or, in Alberta, British Columbia, Newfoundland, Nova Scotia, Québec, Ontario and Manitoba, by regulations under the provincial employment standards act.

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[1]New Brunswick has adopted in June 1982 a new Employment Standards Act, which awaits proclamation as of September 1, 1982, which will repeal the Minimum Wage Act.

Except in Manitoba, the acts do not specify how the minimum wage is to be determined. In Manitoba, the board is directed to take into consideration and be guided by "the cost to an employee of purchasing the necessities of life and health."

The practice is to fix a general basic wage, taking into account the cost of living, economic conditions and other relevant factors. The minimum wage rate is set mainly for the protection of the unorganized and unskilled workers. It constitutes a floor above which employees or their trade unions may negotiate with management for a higher standard. The boards hold public hearings and make extensive inquiries before minimum wage orders are put into effect. Minimum wage orders are reviewed fairly frequently.

The boards are composed of members who represent the interests of employers and employees and in some cases the general public, with an impartial chairman, frequently an officer of the department of labour. In Nova Scotia and Saskatchewan there must be two women on the board.

Coverage

In most provinces, minimum wage orders now cover practically all employment. Special rates for domestic workers are set in British Columbia, Newfoundland, Ontario and Québec. In Prince Edward Island domestic workers receive the general minimum wage with the exception of those persons employed for the sole purpose of protecting and caring for children in private homes. In Saskatchewan, a domestic whose employer is in receipt of a publicly funded wage subsidy must be paid the minimum wage for all hours worked up to eight hours a day. All other jurisdictions, with the exception of Manitoba where domestics who work more than 24 hours in a week are covered by the Employment Standards Act, exclude domestic workers from the application of the minimum wage provisions.

Farm labour is also excluded in most provinces as well as the Yukon and Northwest Territories. In British Columbia a farm or horticultural worker who is paid wages other than on an hourly or piecework basis is to be paid $29.20 for each day or part of a day worked. Farm workers employed on a piece work basis to hand-harvest fruit, vegetable or berry crops are covered by a special regulation. In Québec, farm labourers with the exception of those working for fruit or horticultural enterprises and those principally involved with non-mechanized operations are covered.

A few other classes of workers are excluded in most jurisdictions. Typical exclusions are supervisory and managerial employees, certain categories of employed students, registered apprentices, certain categories of salesmen, and members and students of professions.

Minimum wage orders apply to both men and women.

Special Orders

In all provinces general orders are issued setting hourly rates that apply to most workers throughout the province. In five provinces, these general orders are supplemented by special orders applying to a particular industry, occupation or class of workers, and in some cases taking into account a special skill.

Québec has four industry orders governing public works, the retail food trade, sawmills and forest operations. Formerly there were eight special orders.

The other provinces set only a few special rates. Nova Scotia has established rates for employees in beauty parlors and province-wide rates for logging and forest operations and for road building and heavy construction. Manitoba has established special rates for construction. A weekly rate has been set in Alberta for salespersons. Special rates contained within the general regulations in Ontario apply to the construction and ambulance service industries, and hunting and fishing guides.

In the Northwest Territories, Labour Standards Regulations were issued under the Labour Standards Ordinance. The ordinance requires the payment of a minimum rate of wages to employees who are 17 years of age and over, with the exception of those employed as domestic servants, trappers, persons engaged in commercial fisheries, and members of certain professions.

Where employees are paid on a basis other than time, or on a combined basis of time and some other basis, they are entitled to receive the equivalent of the minimum wage.

In the federal jurisdiction the minister of labour is authorized to exempt employers of trainees from the minimum wage requirements, provided that the trainees are paid at least at a rate not less than that which the minister may order.

In two provinces the orders provide that inexperienced workers may be employed during a specified period at a rate below the regular minimum. These rates may be applicable generally or to a particular occupation.

Provision is also made in the legislation of almost all jurisdictions for the employment of handicapped workers at rates below the established minimum, usually under a system of individual permits. In British Columbia, disabled employees of a charity who are receiving therapy or engaged in a therapeutic work program are excluded from entitlement to the minimum wage.

In all jurisdictions except New Brunswick, Newfoundland, Saskatchewan and the Yukon Territory, the orders set special minimum rates for young workers. A student rate is set in Ontario. In Alberta, there is a special rate for young persons attending school and another for those who are not.

In addition to setting minimum wage rates, minimum wage legislation usually contains other related provisions intended to protect the worker. The most prevalent of these provisions are described below.

Gratuities

Tipping is dealt with specifically in the federal, Alberta, British Columbia, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Québec, Northwest Territories and Yukon legislation. These provisions make it clear that gratuities are not to be counted as part of wages. In New Brunswick the Minimum Wage Act establishes that money paid as a tip or gratuity, or as a surcharge or other charge in lieu of a tip or gratuity is the property of the employee to whom or for whom it is given and shall not be withheld by the employer[1]. The Québec Labour Standards Act states that tips are the exclusive property of the employee, and the employer is not allowed to deduct them or to consider them as part of the wages paid. The act also states that any gratuity collected by the employer must be given to the employee. A "gratuity" includes the service charge added to the patron's bill. Boards in other provinces take the position that gratuities are not to be regarded as wages. In Manitoba, Ontario and Québec special rates are set for those employees who usually receive tips. (See table no. 6)

Deductions

There are provisions in the orders of most provinces and the Territories (and also in the federal Labour Code) relating to the charges or deductions for board and lodging, where furnished by the employer to the employee.

In some jurisdictions (federal, Alberta, Newfoundland, New Brunswick, Nova Scotia, Prince Edward Island, Québec, the Northwest Territories and the Yukon), the orders set limits on the amounts by which such charges may reduce the minimum wage. The Ontario orders fix the maximum amounts at which meals or a room or both may be valued for minimum wage purposes, where board and lodging are provided as part of wages. In the other provinces, the orders set the maximum charges or deductions that may be made.

The Northwest Territories stipulates that an employee's wages must not be reduced below the minimum wage for meals supplied; the furnishing and upkeep of uniforms; or for accidental breakages.

Maximum charges or deductions are not set in British Columbia. If the board finds that services are inadequate or charges are excessive, it may specify the maximum charges that may be made.

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[1]The Minimum Wage Act is to be repealed and replaced upon proclamation of the Employment Standards Act. However, as far as tips and gratuities are concerned, this will bring no change in the letter of the law.

Requirements are also laid down in some minimum wage orders regarding the provision and maintenance of uniforms, where these are required to be worn.

Call-in-pay

Most general orders contain a "daily guarantee" or "call-in-pay" provision requiring that an employee who is called to work be paid for a certain number of hours, even if he is not put to work or if he works for a shorter period. This 2-, 3-, or 4-hour minimum period, as the case may be, must be paid for at the minimum rate, except in British Columbia, where payment is required at the employee's regular rate of pay.

Under a Northwest Territories regulation, an employee who is required to report for work must be paid a minimum of 4 hours' pay at his regular rate.

3. Minimum Wage Rates for Experienced Adult Workers

Jurisdiction	Rate	Effective Date
Federal	$3.50	May 1, 1981
Alberta	$3.80	May 1, 1981
British Columbia	$3.65	December 1, 1980
Manitoba	$3.55 $4.00	September 1, 1981 July 1, 1982
New Brunswick	$3.35 $3.80	October 1, 1981 October 1, 1982
Newfoundland[1]	$3.45 $3.75	March 31, 1981 January 1, 1983
Nova Scotia	$3.30 $3.75	October 1, 1981 October 1, 1982
Ontario	$3.50	October 1, 1981
Prince Edward Island	$3.30 $3.75	July 1, 1981 October 1, 1982
Québec	$4.00	October 1, 1981
Saskatchewan	$4.00 $4.25	July 1, 1981 January 1, 1982
Northwest Territories	$4.25	August 1, 1982
Yukon Territory[2]	$3.60	May 1, 1981

[1]Sixteen years of age and over.

[2]Federal rate plus 10¢.

4. Minimum Wage Rates for Young Workers and Students*

Jurisdiction	Rates		Effective Date
Federal	Employees under 17:	$3.25	May 1, 1981
Alberta	Employees under 18 not attending school:	$3.65	May 1, 1981
	Employees under 18 attending school:	$3.30	May 1, 1981
British Columbia	Employees 17 and under:	$3.00	December 1, 1980
Manitoba	Employees under 18:	$3.10	September 1, 1981
		$3.55	July 1, 1982
Nova Scotia[1]	Underage employees 14 to 18:	$3.00	October 1, 1981
		$3.40	October 1, 1982
Ontario[2]	Students under 18 employed for not more than 28 hours in a week or during a school holiday:	$2.65	October 1, 1981
Prince Edward Island	Employees under 18:	$2.80	July 1, 1981
		$3.00	October 1, 1982
Québec	Employees under 18:	$3.54	October 1, 1981
Northwest Territories	Employees under 17:	$3.75	August 1, 1982

*New Brunswick, Newfoundland, Saskatchewan and the Yukon Territory have no special rates for young workers or students.

[1]Nova Scotia -- Except with approval of Minimum Wage Board, no more than 25 per cent of employer's total work force may be underage employees (14-18), except where his total working force is seven or less he may employ two. In a hotel, restaurant, motel or tourist resort during the period June 15 - September 15, up to 60 per cent of employees may be underage workers. These rates do not apply in beauty parlours, logging and sawmill operations or road building and heavy construction.

[2]Ontario -- Student rates do not apply to the ambulance or construction industries.

5. Minimum Rates and Learning Periods for Inexperienced Workers*

Jurisdiction	Rates and Learning Periods		Effective Date
Nova Scotia[1]	During first 3 months of employment:	$2.70 $3.00	October 1, 1980 October 1, 1981
Ontario[2]	During first month of employment:	$3.20 $3.40	March 31, 1981 October 1, 1981

*No provision for lower rates for learners in Alberta, British Columbia, Manitoba, Prince Edward Island, New Brunswick, Newfoundland, Québec or Saskatchewan. In addition to the general rate for experienced workers, Nova Scotia has a learner's rate for beauty parlours.

[1]Nova Scotia -- Inexperienced employees are persons with less than 3 months' experience in the work for which they are employed. Without the express approval of the Minimum Wage Board, the number of underage or inexperienced employees employed by the employer may not exceed 25 per cent of his total working force. An employer whose total working force is seven or less may employ two inexperienced employees. However, in the case of an employer operating a motel, hotel, restaurant or tourist resort from June 15 to September 15, up to 60 per cent of the persons employed may be underage or inexperienced employees during this period.

[2]Ontario -- Not more than 20 per cent of total number of employees in an establishment may be employed as learners, and only persons who have no previous experience in the work may be paid learners' rates. An employer whose total number of employees is less than five may employ one employee as a learner.

6. Minimum Wage Rates for Other Categories of Employees

Jurisdiction	Rates and Categories	Effective Date
Alberta	Various categories of salespersons:	
	$150 a week	May 1, 1981
British Columbia	Live-in homemakers, domestics, farm workers or horticultural workers paid wages other than on an hourly or piece work basis: $29.20 a day or part of a day worked	March 14, 1981
	Resident caretakers in apartment buildings of 8 to 60 units:	
	$219/month plus $8.76/unit	December 1, 1980
	Buildings of more than 60 units:	
	$744/month	December 1, 1980
Manitoba	Employees serving alcoholic beverages in licensed establishments:	
	$3.35	September 1, 1981
	$4.00	July 1, 1982
Newfoundland	Domestics employed in a private home (16 and over):	
	$1.73	March 31, 1981
	$2.25	January 1, 1983
Ontario	Employees serving alcoholic beverages in licensed establishments:	
	$3.00	October 1, 1981
	Construction Workers:	
	$3.75	October 1, 1981
	Domestic employees* (cooks, housekeepers, nannies) who work more than 24 hours a week:	
	$24 a day	
	$132 a week	
	$568 a month, or	
	$3.00 an hour	January 1, 1981

6. Minimum Wage Rates for Other Categories of Employees (continued)

Jurisdiction	Rates and Categories	Effective Date
Québec	Employees in hotels, restaurants, campgrounds, trailer parks or enterprises who sell, deliver or serve meals to be consumed off the permises, or who serve liquor:	
	18 and over $3.28	October 1, 1981
	Under 18: $2.95	October 1, 1981
	Domestic workers residing at the employer's residence: $134 a week	October 1, 1981
	Domestics who do not reside at the employer's residence and agricultural workers:	
	18 and over $4.00	October 1, 1981
	Under 18: $3.65	April 1, 1981

*Does not apply to baby sitters or companions.

7. Maximum Charges Permitted for Board and Lodging*

Jurisdiction	Meals		Lodging		Board and Lodging
	single	per week	per day	per week	per week
Federal	50¢		60¢		
Alberta	$1.25		$1.60		
Manitoba	50¢			$5.00	
New Brunswick	$1.50		$1.50		$3.85 per day
Newfoundland	$1.00	$16.00		$7.50	$25.00
Nova Scotia[1]	$1.60	$25.00		$7.00	$31.00
Ontario[2]	$1.40	$29.00		$17.00	$46.00
Prince Edward Island	$1.50	$22.00		$11.00	$27.50
(Oct. 1/82)	$1.70	$25.00		$11.00	$31.00
Québec[3]	$1.25	$16.45		$16.45	$32.90
Northwest Territories	65¢		80¢		
Yukon Territory	50¢		60¢		

*No maximum charges set in British Columbia and Saskatchewan.

In Saskatchewan, a meal may not cost more than 1/3 of the minimum hourly wage, except where the hourly wage of the employee is more than 25% above the minimum hourly wage.

[1]Nova Scotia -- Logging and forest operations; board and lodging, $4.90 per day; construction, no charges set; beauty parlour employees same as table.

[2]Ontario -- Domestics and nannies: single meal $1.50 each to a maximum of $30 weekly; room, $20 weekly; board and lodging, $50 weekly. Fruit, vegetable and tobacco harvesters: meals $1.40 each, $29.00 weekly maximum; room $17 a week; room and meals $46 a week; housing accommodation $39 a week; serviced housing accommodation $52 a week.

[3]Québec -- Sawmill and forest operations: single meal, 65¢; board and lodging, $1.95 per day; retail food trade, same as table.

EQUAL PAY

In five jurisdictions, equal pay provisions are part of employment standards legislation: the Manitoba Employment Standards Act; the Nova Scotia Labour Standards Code; the Ontario Employment Standards Act, 1974; the Saskatchewan Labour Standards Act, 1977; and the Yukon Labour Standards Ordinance. Similar provisions are found in human rights statutes in most of the other jurisdictions: the Alberta Individual's Rights Protection Act; the British Columbia, Newfoundland and Prince Edward Island Human Rights Codes; and the Québec Charter of Human Rights and Freedoms. Under federal jurisdiction, provisions are incorporated in the Canadian Human Rights Act, Equal Wages Guidelines and the Canada Labour Code. In the Northwest Territories, the Fair Practices Ordinance covers the area, and in New Brunswick, equal pay provisions are deemed to be included in the general anti-discrimination sections of the Human Rights Code.

Federal Legislation

Under the Canadian Human Rights Act, it is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment and performing work of equal value. The criterion applied in assessing the value of work is a composite of the skill, effort and responsibility required in the performance of the work, and the conditions under which the work is performed.

This discriminatory practice is deemed to be prohibited under the Canada Labour Code. Where an inspector designated by the minister of labour has reasonable grounds at any time for believing that an employer has maintained differences in wages, the inspector may notify the Canadian Human Rights Commission or file a complaint with the commission to that effect.

Equal Wages Guidelines have been adopted under the Canadian Human Rights Act to further assess the value of the work performed by employees employed in the same establishment.

To determine if such employees are performing work of equal value, the skill required in the performance of the work is considered to include any type of intellectual or physical skill required in the performance of that work which has been acquired by the employees through experience, training, education or natural ability; the nature and extent of such skills are compared without taking into consideration the means by which they were acquired by the employees.

The effort required in the performance of the work is considered to include any intellectual or physical effort normally required in the performance of that work. Such efforts may be found to be of equal value whether they were exerted by the same or different means, and the assessment of the effort is not affected by the occasional or sporadic performance by that employee of a task that requires additional effort.

The responsibility required in the performance of the work of an employee is assessed by determining the extent to which the employer relies on the employee to perform the work, having regard to the importance of the duties of the employee and the accountability of the employee to the employer for machines, finances and any other resources, and for the work of other employees.

Conditions under which the work of an employee is performed include noise, heat, cold, isolation, physical danger, conditions hazardous to health, mental stress, and any other conditions produced by the physical or psychological work environment, but do not include a requirement to work overtime or on shifts where a premium is paid for such overtime or shift work.

The Equal Wages Guidelines also prescribe a number of factors justifying differences in the wages paid to male and female employees employed in the same establishment who are performing work of equal value.

Provincial Legislation

All provinces, with the exception of New Brunswick, and both Territories have similar legislation with respect to equal pay for equal work. In New Brunswick, equal pay is deemed to be included in the general anti-discrimination provisions of the Human Rights Code.

General

The legislation prohibits an employer from differentiating in the wages paid to female and male employees performing the same or similar work under the same or similar conditions, and whose jobs require similar skill, effort or responsibility. In most of the provinces, it is specified that similar work has to be done in the same establishment.

All the acts, where applicable, make it clear that a difference in rates of pay based on a factor other than sex does not constitute a failure to comply with their requirements. In Nova Scotia, however, the employer must establish that such a factor justifies a different rate of pay.

In British Columbia, Ontario, Prince Edward Island, Québec, Saskatchewan and the Yukon Territory, differences in rates of pay based on a seniority system or a merit system do not constitute discrimination within the terms of the act. Differences in rates of pay based on a system that measures earnings by quantity or quality of production do not constitute a failure in Ontario, Prince Edward Island and Québec.

In most jurisdictions, no employer is to reduce the wages of a male or female employee in order to comply with the equal pay provisions.

Complaints and Investigation

A number of laws provide that a person claiming to be aggrieved by an alleged contravention of the act has a choice of initiating court proceedings or of making a complaint.

Each act makes it an offence for an employer to discriminate against an employee because he has made a complaint or given evidence under the act.

Provision is made in all the acts for prosecution in the courts as a last resort. Failure to comply with an act or an order is made an offence punishable by a fine.

The procedure laid down for the enforcement of equal pay provisions may be invoked upon complaint to the director of the commission by the aggrieved person in New Brunswick, Newfoundland and Prince Edward Island. Quebec allows such a complaint to the "Commission des droits de la personne."

A complaint is to be registered in Newfoundland and Prince Edward Island with the minister of labour (of Manpower and Industrial Relations in Newfoundland), and in British Columbia, Manitoba, Nova Scotia and Saskatchewan with a designated officer of the Department of Labour. In Alberta, complaints are made to the Human Rights Commission.

In all jurisdictions, except Ontario and Nova Scotia, the legislation provides for an initial informal investigation into the complaint, usually by an officer of the Department of Labour.

HOURS OF WORK

Federal

Hours of work of employees in undertakings within the federal labour jurisdiction are regulated by the Canada Labour Code, Part III, Division I.

The code sets a standard workday and workweek and requires payment of an overtime rate for work done beyond the hours specified. It also establishes a maximum workweek, overtime hours being restricted to eight in a week, except in special circumstances.

Under the code, standard hours (the number of hours that may be worked at regular rates of pay) are limited to eight in a day and 40 in a week. Hours in excess of eight and 40 may be worked, however, provided one and one-half times the regular rate is paid, up to a maximum of 48 hours in a week.

In a week in which an employee is entitled to a general holiday with pay (under Part III, Division IV of the Code) the overtime rate is to be paid after 32 hours, instead of 40. In calculating overtime for the week, no account is to be taken of any time worked on the holiday.

Because some types of employment may call for a more flexible arrangement of working hours, the code permits the averaging of hours over a period of two or more weeks. Under a system of averaging, working hours may vary from day to day or from week to week so long as the total standard hours do not exceed 40 multiplied by the number of weeks in the averaging period. The overtime rate (one and one-half times the regular rate) must be paid at the end of the averaging period for all hours worked in excess of such standard hours. The total number of hours that may be worked by an employee in an averaging period is the product of the number of weeks in the period multiplied by 48.

Averaging is permitted for any class of employees who have no regularly scheduled working hours or who have regular hours but the number of hours scheduled differs from time to time. On notification to the Department of Labour, an employer may select an averaging period of 13 weeks or less.

If an employer requires a longer period for averaging than 13 weeks in order to provide for a period in which fluctuations take place (e.g., where there are seasonal rush and slack periods during the year), he must obtain the approval of the minister of labour. The same conditions apply as to a period of 13 weeks or less. The period over which hours may be averaged may be as long as a full year.

An employer who has adopted an averaging plan is required to post clear information about the plan in places where it can readily be seen by the employees affected.

Complaints and Investigation

A number of laws provide that a person claiming to be aggrieved by an alleged contravention of the act has a choice of initiating court proceedings or of making a complaint.

Each act makes it an offence for an employer to discriminate against an employee because he has made a complaint or given evidence under the act.

Provision is made in all the acts for prosecution in the courts as a last resort. Failure to comply with an act or an order is made an offence punishable by a fine.

The procedure laid down for the enforcement of equal pay provisions may be invoked upon complaint to the director of the commission by the aggrieved person in New Brunswick, Newfoundland and Prince Edward Island. Quebec allows such a complaint to the "Commission des droits de la personne."

A complaint is to be registered in Newfoundland and Prince Edward Island with the minister of labour (of Manpower and Industrial Relations in Newfoundland), and in British Columbia, Manitoba, Nova Scotia and Saskatchewan with a designated officer of the Department of Labour. In Alberta, complaints are made to the Human Rights Commission.

In all jurisdictions, except Ontario and Nova Scotia, the legislation provides for an initial informal investigation into the complaint, usually by an officer of the Department of Labour.

HOURS OF WORK

Federal

Hours of work of employees in undertakings within the federal labour jurisdiction are regulated by the Canada Labour Code, Part III, Division I.

The code sets a standard workday and workweek and requires payment of an overtime rate for work done beyond the hours specified. It also establishes a maximum workweek, overtime hours being restricted to eight in a week, except in special circumstances.

Under the code, standard hours (the number of hours that may be worked at regular rates of pay) are limited to eight in a day and 40 in a week. Hours in excess of eight and 40 may be worked, however, provided one and one-half times the regular rate is paid, up to a maximum of 48 hours in a week.

In a week in which an employee is entitled to a general holiday with pay (under Part III, Division IV of the Code) the overtime rate is to be paid after 32 hours, instead of 40. In calculating overtime for the week, no account is to be taken of any time worked on the holiday.

Because some types of employment may call for a more flexible arrangement of working hours, the code permits the averaging of hours over a period of two or more weeks. Under a system of averaging, working hours may vary from day to day or from week to week so long as the total standard hours do not exceed 40 multiplied by the number of weeks in the averaging period. The overtime rate (one and one-half times the regular rate) must be paid at the end of the averaging period for all hours worked in excess of such standard hours. The total number of hours that may be worked by an employee in an averaging period is the product of the number of weeks in the period multiplied by 48.

Averaging is permitted for any class of employees who have no regularly scheduled working hours or who have regular hours but the number of hours scheduled differs from time to time. On notification to the Department of Labour, an employer may select an averaging period of 13 weeks or less.

If an employer requires a longer period for averaging than 13 weeks in order to provide for a period in which fluctuations take place (e.g., where there are seasonal rush and slack periods during the year), he must obtain the approval of the minister of labour. The same conditions apply as to a period of 13 weeks or less. The period over which hours may be averaged may be as long as a full year.

An employer who has adopted an averaging plan is required to post clear information about the plan in places where it can readily be seen by the employees affected.

When an employee terminates his employment of his own accord during an averaging period, he is paid his regular rate for his hours worked but he is not entitled to overtime pay. If this employment is terminated by the employer, however, he must be paid overtime pay for any hours worked in excess of an average 40-hour week over the period he has worked.

Any employer, whether or not his employees normally work irregular hours, may apply for a ministerial permit which increases the standard and maximum hours in a week, provided that over such period of weeks as are stated in the permit, the average standard hours do not exceed 40 per week and the average maximum hours do not exceed 48 per week.

The minister of labour may not issue the permit unless he is satisfied that the arrangements specified in the permit are supported by the employer and by either at least eighty per cent of the employees or, where a collective agreement is in effect, the bargaining agent of the employees. The minister may cancel the permit on the application of both parties to a collective agrement. Where the employees are not subject to a collective agremeent, the minister may cancel the permit if he is of the opinion that to do so would be in the best interests of the employees, and the employer may do so by giving 30 days' notice to the minister. The same notice must also be given to the employees by posting a notice in a place where the employees will likely see it.

Exceptions to the maximum workweek are permitted in certain circumstances. Work in excess of 48 hours in a week (or the maximum hours established in an averaging period) may be allowed under permit when the minister, having given due regard to the conditions of employment and the welfare of the employees, is satisfied that such exceptional conditions exist as to make the working of additional hours necessary.

A permit is issued for a definite period of no longer duration than the time the exceptional circumstances are expected to continue. The permit may specify either the total amount of excess overtime that may be worked in the period or the additional number of hours per day or per week that the employees may work. The number of employees engaged in such excess overtime and the extent of the overtime worked by each must be reported in writing to the minister by the employer within 15 days after the overtime permit expires or within a time fixed in the permit.

Maximum weekly hours may also be exceeded to make up for the time lost due to an accident, breakdown in machinery or other emergency. The employer is required to report such emergency work within a specified time.

In order to deal with the special problems of some industries, regulations may be made, after public inquiry, varying the standard and maximum hours for classes of employees in any specified establishment where the code's provisions would be unduly prejudicial to the interests of the employees or seriously detrimental to the operation of the establishment, or entirely exempting a class of employees from the hours provisions where they cannot reasonably be applied.

Regulations may also be made specifying the circumstances under which the overtime rate will not apply because work practices make it unreasonable or inequitable. A general regulation issued under the Canada Labour Code provides for exemption from the overtime provisions in circumstances where there is an established work practice that requires or permits an employee to work in excess of standard hours for the purpose of changing shifts, or permits an employee to exercise seniority rights to work in excess of standard hours pursuant to a collective agreement.

Different hours of work provisions have been established for some categories of employees such as East and West Coast shipping employees, country elevator agents and managers, motor vehicle operators, commission salesmen in the broadcasting industry, certain uranium mining and refining employees, certain employees of railways, etc.

Provincial

General Hours of Work Laws

The Employment Standards Act in Alberta sets standard hours of work at eight in a day or 44 in a week. The maximum hours of work of an employee must be confined within 12 hours in a day except in the case of accident, or if the director of employment standards issues a permit or a regulation is made permitting extended hours of work.

Hours worked in excess of the standard hours must be compensated at one and one-half times the regular rate. In lieu of overtime pay, an employee may agree with his employer to take time off, at a rate of one and one-half times the overtime hours worked. General holidays are not taken into account in computing overtime.

Standard hours of certain categories of employees are established by regulation. (See Table 8.)

The Employment Standards Act in British Columbia states that an employer may not require an employee to work in excess of eight hours in a day or 40 in a week unless the employer complies with the overtime provisions of the Employment Standards Act. Hours worked in excess of eight in a day or 40 in a week must be remunerated at one and one-half times the regular rate and additional hours in excess of 11 in a day or 48 in a week must be remunerated at two times the regular rate.

Where the director of employment standards is satisfied that the hours of work of an employee in excess of eight in a day or 40 in a week are excessive or are detrimental to the employee's health or safety, the director may order the hours of work limited to eight in a day or 40 in a week. If the hours of work are averaged over a period longer than a week, or if less than five days are worked in a week or if the basis of calculation of overtime wages is the subject of an agreement between the employer and his employees or their representatives, the director may authorize a variation of the overtime provisions of the act, provided that the conditions of employment and overtime wages established by the modification are not inconsistent with the intent of the act.

Every employee is entitled to an eating period of at least one-half hour in each five-hour period. An employee who reports for work as required must be paid for at least two hours. If the employee actually commences work, he must be paid for four hours unless work is suspended for reasons completely outside the control of the employer, such as inclement weather.

Both standard and maximum hours of work are set at eight in a day and 40 in a week by the Employment Standards Act in Manitoba. The Manitoba Labour Board is empowered to vary these hours where the employer wishes to establish a workweek of less than five days, in order to facilitate shift work, provided that the average hours worked calculated over such period as prescribed by the board, or where in the opinion of the board, the hours prescribed by the act are not feasible or reasonable for a particular industry.

Employees may be required to work overtime where work is urgently required to maintain or repair equipment or plant, in the event of an occurrence beyond human control which affects the life, health or safety of individuals or which interrupts the provision of an essential service.

Where an employee is required to work overtime, he is entitled to be paid at one and one-half times his regular rate, unless the Lieutenant-Governor-in-Council declares a state of emergency, civil disaster or war emergency. Certain occupational exclusions are listed in Table 8.

Under the Employment Standards Act in Ontario, maximum hours of work are eight in a day and 48 in a week. The maximum may be exceeded in cases of accident or where work is urgently required to avoid serious interference with the ordinary working of the establishment.

The director of employment standards may, by permit, authorize hours of work in excess of the maximum, subject to the limits prescribed by the act. The limit for excess hours is 12 hours in a week for engineers, firemen, full-time maintenance personnel, receivers, shippers, truck drivers and their helpers, watchmen or any person who, in the opinion of the director, is engaged in a similar occupation. For all other employees, the limit for each employee is 100 hours in each year.

The director may also issue a permit authorizing working hours in excess of the limits set out above, if he is satisfied that the nature of the work or the perishable nature of the raw material being processed requires the excess hours. The issuance of a permit does not require the employee to work in excess of the normal maximum hours of eight in a day or 48 in a week.

Overtime pay at a rate of one and one-half times the regular rate must be paid for hours worked in excess of 44 in a week. In certain industries — local cartage, highway transport, road building, sewer and water-main construction, the hotel, motel, tourist resort, tavern and restaurant industries (seasonal employees) and fresh fruit and vegetable processing (seasonal employees) — extended hours may be worked before the overtime rate applies. (See Table 8 for particulars.)

In Ontario, an employer must provide a meal break of at least one-half hour during every five consecutive hours.

Under the Labour Standards Act in Saskatchewan, standard hours are set at eight in a day and 40 in a week. Hours worked in excess of the standard hours of work must be compensated at one and one-half times the regular rate. The act provides for the adoption of ten-hour days in a four-day week, if authorized by the Department of Labour or the trade union which represents the employees, without the necessity of paying overtime rates. Averaging of hours over a period of weeks is also permitted, with the authorization of the Department of Labour or the trade union which represents the employees.

Where a public holiday occurs during a workweek or during an averaging period, the total time required to be worked before overtime rates are payable is reduced by eight hours. Special provisions with respect to overtime are in effect for certain employees of city newspapers, where averaging of hours worked is permitted over a two-week period, and oil truck drivers, where averaging takes place over one year.

Notwithstanding anything otherwise provided in the act, no employer may require an employee to work more than 44 hours in one week, or, where a public holiday occurs during the week, 36 hours in that week, except in the case of emergency circumstances.

The New Brunswick Minimum Wage Order[1] fixes a standard workweek of 44 hours for time workers, salaried employees and piece-workers who are 18 years or older. After 44 hours in a week, the employer must pay one and one-half times the minimum rate. The order excludes persons working in domestic service and agricultural workers. Workers under the age of 18 years, except where employed by a parent or guardian may not be required to work more than nine hours in a day or 48 hours in a week.

In Newfoundland, the Labour Standards Regulations provide for standard hours of eight in a day and 40 in a week for assistants (shop employees) and eight in a day and 44 in a week for other employees. Pursuant to the regulations, overtime wages shall be paid at one and one-half times the minimum rate for hours worked in excess of eight hours in a day and 40 in a week to a shop employee, and 44 hours in a week to other employees. Overtime provisions do not apply to persons engaged in domestic service in a private home, or those employed in planting, cultivating, and harvesting farm produce and raising livestock and poultry, other than the production of fruit and vegetables in greenhouse and nursery operations. Every employee is entitled to a one hour rest period in the case of employees employed in retail or wholesale undertakings, and a one-half hour

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[1]The Employment Standards Act, awaiting proclamation, will repeal the Minimum Wage Act, under which this order has been adopted. The new act provides the Lieutenant-Governor-in-Council with the power to prescribe by regulation the maximum number of hours in any industry, business, trade or occupation.

rest period in the case of all others after each five consecutive hours of work. This provision does not apply to crew members on ferry boats or to employees covered by a collective agreement.

In Nova Scotia, the Labour Standards Code permits the making of regulations to limit the number of hours per day or per week during which an employee may work. If such regulations are made, they may be varied by agreement between the employer and representatives of the employees. The limits of the hours of work may be exceeded in case of accident or emergency.

To date, maximum hours of work regulations have not been made. Instead, Nova Scotia regulates the hours during which the minimum wage may be paid. The limit established by the General Minimum Wage Order is 48 in a week, after which at least one and one-half times the minimum wage must be paid. Special rates and, in some cases, hours of work after which premium rates apply, have been made applicable to beauty parlor employees, workers in the logging and forest operations industry, road building and heavy construction workers and certain building construction workers in Halifax, Dartmouth, and Sydney.

In Prince Edward Island, the Minimum Wage Order No. 1/81, which revokes and replaces all previous orders effective July 1, 1981, establishes a standard workweek of 48 hours beyond which overtime rates are payable at one and one-half times the minimum rate. This order does not apply to registered apprentices, farm labourers who are not engaged in commercial undertakings, persons employed for the sole purpose of protecting and caring for children in private homes, and employees of non-profit organizations who are required to live-in. Ambulance drivers are entitled to overtime pay only in respect of the first 12 hours of overtime per week. This order will be replaced by Minimum Wage Order No. 1/82, effective October 1, 1982.

The Act respecting labour standards establishes a standard workweek of 44 hours in Québec. There is no standard workday. An employer is entitled to stagger hours of work on a basis other than a weekly basis with the permission of the Labour Standards Commission, provided that the average number of hours worked does not exceed the standard set in the act (or regulations, in the case of certain categories of employees). The act permits regulations to be made establishing a different standard workweek for specified groups. (See Table 8 for a list of these workweeks. Table 8 also contains a list of employees who are excluded from any hours of work provisions.)

Overtime is calculated at a rate of one and one-half times the regular rate of pay for all hours worked in excess of the standard workweek. Any annual leave days or statutory holidays with pay are counted as hours worked for the purpose of computing overtime.

The hours of work law in Québec contains a provision which requires that an employee be paid a minimum of three hours' pay when he reports to work in the normal course of employment or at the request of his

employer. This provision does not apply if conditions of the work require the employee to be present at work several times in the same day or if the work is normally completed within a three-hour period.

If a coffee break is provided by the employer, the time permitted is considered to be time at work for the purpose of the hours of work legislation.

The Mining Safety Ordinances of both Territories provide for a maximum eight-hour day for work below ground in mines.

Under the Labour Standards Ordinance of the Northwest Territories, standard hours of work are eight in a day and 44 in a week for most employees. Except in special circumstances, maximum hours are 10 in a day and 54 in a week.

Different standards are laid down for certain classes of employees. Standard hours of 176 in four consecutive weeks have been established for persons employed in exploration and development of metal mining and petroleum (including geophysical, geological, seismological and diamond drilling work), the transport of goods to and from isolated areas, and in tourist camps. For these employees, maximum hours are 216 in the same period.

In the Yukon Territory, standard hours are eight in a day and 40 in a week. Maximum hours of work permitted are ten in a day, 60 in a week and 260 in a month. Overtime beyond the limits of eight and 40 hours is prohibited for employees engaged in mining operations underground in a shaft or tunnel.

In both the Northwest Territories and the Yukon Territory, where an employee is required or permitted to work in excess of standard hours, he must be paid one and one-half times his regular rate.

Averaging of hours over a period of two or more weeks is permitted under both ordinances. The manner and circumstances in which averaging may be allowed are to be prescribed by regulations.

Exceptions to maximum hours standards are permitted in certain circumstances in the Yukon Territory. Where work in an industrial establishment is seasonal or intermittent in nature, the commissioner, after having considered the nature of the establishment, the conditions of employment and the welfare of the employees, may issue an order permitting excess hours to be worked.

In the Northwest Territories, hours in excess of maximum hours (ten and 54 or 216, as the case may be) may be worked with a permit issued by the labour standards officer, when the applicant has satisfied him that there are exceptional circumstances to justify the working of additional hours, or where the nature of the work is seasonal or intermittent.

The hours of work provisions of the Yukon ordinance do not apply to members of the employer's family, individuals who search for minerals, travelling salesmen, and supervisory and managerial employees. Members and students of professions and other persons or classes of persons may be excluded by regulations.

Persons employed as hunting or fishing guides, domestic servants, students and members of designated professions, and persons exercising supervisory and managerial functions are exempted from the hours of work provisions of the Northwest Territories ordinance.

The standards set under hours of work laws and orders are set out in Table 8.

Other Legislation Restricting Hours

Apart from general hours of work laws, other statutes regulate working hours in some industries.

Schedules under industrial standards legislation in seven provinces, and decrees under the Quebec Collective Agreement Decrees Act and the Construction Industry Labour Relations Act, and under the Manitoba Construction Industry Wages Act regulate hours in construction and other industries. Schedules and decrees apply to designated zones or industries; a number apply throughout the province.

Ontario and New Brunswick have adopted legislation establishing maximum hours of work on certain work done in the performance of a contract with the provincial government.

Generally speaking, standard weekly hours for the construction industry range from 40 to 48, with a 40-hour week being the usual standard in the larger centres. In Québec, a 40-hour week is set for tradesmen, a 42 1/2-hour week for labourers and a 50-hour week for road building and excavation work.

In another industry regulated by schedules and decrees in Ontario and Québec, the garment industry, some standard weekly hours are 36 or 37 1/2. In most branches of the industry, standard hours have been reduced to 35.

In Manitoba, maximum hours which may be worked at regular rates are set under the Construction Industry Wages Act, which applies to both private and public construction work. At the present time an eight-hour day and a 40-hour week is in effect for most classifications of construction work in the Greater Winnipeg area, Brandon, Portage LaPrairie and Northern Manitoba, and a 44-hour week in the rest of the province. In the heavy construction industry, the maximum hours of work payable at regular rates are 52 except in Metropolitan Winnipeg during the period from November 1 to April 30, when a 48-hour week is in effect.

Working hours of employees under 18 are restricted by the New Brunswick Minimum Employment Standards Act and by labour standards legislation in Newfoundland and Nova Scotia. Under the New Brunswick Minimum Employment Standards Act[1], which is applicable to any place of employment other than a private home, a farm or federal undertaking, hours of work of employees under 18 years are limited to nine in a day and 48 in a week, unless special permission to work longer hours is obtained from the minister of labour. The Newfoundland Labour Standards Act limits the working hours of persons under 16 to eight in a day, three hours on a school day. In Nova Scotia, the Labour Standards Code prohibits the employment of persons under 14 for more than eight hours in a day, three on a school day, unless authorized. Nor can they work for any period which, when added to school hours on that day, totals more than eight hours.

In all provinces except Manitoba, Ontario and Saskatchewan, there is also some indirect regulation of hours by virtue of provisions in minimum wage orders requiring the payment of an overtime rate after a specified number of hours of work.

Night Work for Women

Manitoba minimum wage regulations require employers to provide women employees whose work begins or ends between midnight and 6 a.m. with adequate transportation, without cost to the employee, between the place of residence and the place of employment.

In Saskatchewan, women employees in hotels, restaurants, educational institutions, hospitals and nursing homes who are required or permitted to finish work between 12:30 a.m. and 7 a.m. must be provided by the employer with free transportation to their homes. Night work for women is prohibited in factories, except with a permit from the inspector.

Employment of Children

Legislation concerning the employment of children usually restricts the hours during which children may work and the maximum hours of work per day or week. For details, we refer the reader to the chapter dealing with employment of children contained in this book.

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[1]The Employment Standards Act, awaiting proclamation, will repeal the Minimum Employment Standards Act. Under this new legislation, working hours of young persons under the age of 16 will be restricted to six in a day and to a total combined time of attending school and working of eight hours.

8. GENERAL HOURS OF WORK AND OVERTIME RATES*

Federal - (Canada Labour Code)

Hours of Work:	Standard: 8 in a day 40 in a week
	Maximum: 48 in a week
	Exclusions from provisions concerning both hours of work and overtime: managers, superintendents and certain professional employees
Overtime:	After 8 in a day and 40 in a week - 1½ times the regular rate

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Alberta - (Employment Standards Act and Regulations)

Hours of Work:	Standard: 8 in a day 44 in a week
	Exclusions: managerial, confidential and supervisory employees, farm labour, domestic service, public employees, municipal policemen, certain salesmen, chartered accountants and lawyers.
Overtime:	After 8 in a day and 44 in a week - 1½ times regular rate or time off in place of overtime pay if more than 44 in a week.
	Exceptions: Field catering, geophysical exploration, land surveying, logging and lumbering, employees of a municipal district employed in road construction or maintenance or snow removal, oilwell servicing: 10 hours in a day or 191 hours in a month.
	Ambulance drivers, taxi cabs drivers: 10 hours in a day or 60 hours in a week.
	Employees of irrigation districts other than office employees: 9 hours in a day or 54 hours in a week.
	Employees employed in the cultivation and preparation of trees, shrubs and plants: 9 hours in a day or 48 hours in a week.
	Commercial truck and bus drivers: 10 hours in a day or 50 hours in a week.

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*The jurisdictions frequently establish specific standards for specific industries, i.e. logging, mining, garment industry, etc. These standards are set in regulations, board orders, etc.

Alberta - (Employment Standards Act and Regulations) (continued)	
	Highway and railway construction and brush clearing: 10 hours in a day or 44 hours in a week.
British Columbia - (Employment Standards Act)	
Hours of Work:	Standard: 8 in a day 40 in a week
	Exclusions: **
Overtime:	After 8 in a day and 40 in a week - 1½ times regular rate; after 11 in a day and 48 in a week - 2 times regular rate (excluding hours worked in excess of 8 in a day).
Manitoba - (Employment Standards Act)	
Hours of Work:	Standard and maximum: 8 in a day 40 in a week
	Exclusions: professional employees, farming, domestic servants employed in a private home who work no more than 24 hours in a week, fishing, voluntary employees for specific organizations, commissioned travelling salesmen, independent contractor, nursing by an agency other than a babysitting agency, student in training, person employed under a rehabilitation or therapeutic project, certain provincial government employees, construction workers, employees employed in a business where only members of the employer's family are employed.
Overtime:	After 8 in a day 40 in a week - 1½ times the regular rate.
	Exclusions: same as above.

**In British Columbia, the list of exclusions from the entire act and from the hours of work provisions is very extensive, covering nearly 30 categories of employees - For a complete list see the Employment Standards Act Regulation

New Brunswick*

Hours of Work: (Minimum Employment Standards Act)	Employees under 18: Maximum: 9 in a day 48 in a week Exclusion: child employed by his parent or guardian.
Hours of Work: (Minimum Wage Order)	Time workers, salaried employees and piece workers: Standard: 44 in a week
Overtime: (Minimum Wage Order)	After 44 in a week - 1½ times the minimum rate. Exclusions: domestic service, agricultural workers.

Newfoundland - (Labour Standards Regulations, 1980)

Hours of Work:	A. Assistants (shop employees) Standard: 8 in a day 40 in a week Maximum: 16 hours in a day B. Other employees Standard: 44 in a week Maximum: 16 hours in a day Exclusion: professionals and students in professional training
Overtime:	Shop employees: After 8 in a day and 40 in a week - minimum set rate representing 1½ times the minimum wage Other employees: After 44 in a week - 1½ times minimum rate Exclusions: domestic servants, agricultural work other than production of fruit and vegetables in greenhouse and nursery operations

*The Employment Standards Act, when it will be proclaimed in force, will make certain changes to the letter of the law concerning hours of work.

Nova Scotia - (General Minimum Wage Order)

Hours of Work:	Standard: 48 in a week
	Exclusions: farm labourers, domestic servants, certain apprentices, professional employees or students of such professions, automobile, real estate and insurance salesmen, employees on fishing vessels, and teachers.
Overtime:	After 48 in a week - 1½ times minimum rate.

Ontario - (Employment Standards Act)

Hours of Work:	Maximum: 8 in a day 48 in a week
	Exclusions: supervisory and managerial employees, domestic servants, construction, resident janitors or caretakers, full-time firefighters, fishing or hunting guides, persons engaged in landscape gardening, mushroom growing, horticulture, and certain other agricultural activities, certain categories of professionals, teachers, funeral directors and embalmers, homeworkers, etc.*.
Overtime:	After 44 in a week - 1½ times regular rate.
	Exceptions: Road building: streets, highways and parking lots - 55 hours before overtime rates applies.
	Road building: bridges, tunnels and retaining walls: 50 hours before overtime rate applies.
	Local cartage: 50 hours before overtime rate applies.
	Highway transport: 60 hours before overtime rate applies.
	Hotel, motel, tourist resort, restaurant and tavern: 50 hours before overtime rate applies.

*In Ontario, the list of exclusions from the entire act from the hours of work provisions and from the overtime pay provisions is very extensive. For a complete list, see the Employment Standards Act Regulation.

Ontario - (Employment Standards Act) (continued)	
	Fresh fruits and vegetable processing: 50 hours before overtime rate applies. Sewer and watermain construction: 50 hours before overtime rate applies. Exclusions: Mostly the same as above. See the Employment Standards Act Regulations.
Prince Edward Island - (Minimum Wage Order 1/81)	
Hours of Work	Standard: 48 in a week Exclusions: registered apprentices, farm labourers who are not engaged in a commercial undertaking, persons employed for the sole purpose of protecting and caring for children in private homes, employees of non-profit organizations who are required to reside at a facility operated by their employer.
Overtime:	After 48 in a week - set minimum rate representing 1½ times minimum wage. Exclusion: all of above and ambulance drivers except in respect of the first 12 hours of overtime per week.
Québec - (An Act respecting labour standards and Regulation respecting Labour Standards)	
Hours of Work:	Standard: 44 in a week Exceptions: Domestic living in the employers' home: 53 hours in a week. Employees working in a remote area or on the James Bay territory: 55 hours. Employees working in a forestry operation or sawmill: 47 hours. A watchman other than one employed by a commercial surveillance service: 60 hours. Exclusions: Farm labourers, an employee whose main duty is the care in a dwelling of a child or disabled, handicapped or aged person, if the work is conducted on a non-profit basis.

Québec - (An Act respecting labour standards and Regulation respecting Labour Standards) (continued)

Construction workers. Certain contract workers who furnish equipment, material, or merchandise required for the work and are remunerated by retaining any sum remaining after the expenses of performing the contract are paid.

Employees whose hours of work cannot be controlled because they work outside the establishment that employs them.

The family members of an employer or his spouse, students employed in a social or non-profit organizations.

Managers. Employees employed in harvesting, canning, packaging and freezing fruit and vegetables during the harvesting period. Employees in the fishing or fish processing industry.

Overtime: Work performed in excess of standard hours: 1½ times regular rate (i.e., premium of 50% of regular rate).

Saskatchewan - (Labour Standards Act)

Hours of Work:

Standard: 8 in a day
40 in a week

Maximum: 44 in a week

Excluded from both hours of work and overtime provisions: employees in certain northern areas of province, managerial employees, farm workers, certain professional employees and students, commercial travellers, logging, road construction, automobile salesmen and civil servants employed as field employees, certain driver-salesmen in wholesale businesses, teachers, handicapped employed in a sheltered workshop or a work activity centre, and domestic workers.

Saskatchewan - (Labour Standards Act) (continued)

Overtime:	After 8 in a day and 40 in a week - 1½ times the regular rate.
	Exceptions: certain employees of city newspapers - 80 hours in 2 weeks; oil truck drivers averaged over 1 year.
	Note: Special provisions are set for a 4 day week 10 in a day 40 in a week after which 1½ times the regular rate is paid.

Northwest Territories - (Labour Standards Ordinance)

Hours of Work:	Standard:	8 in a day 44 in a week
	Maximum:	10 in a day 54 in a week
	Exceptions: mining and petroleum exploration and development, isolated transportation and tourist camps: 176 hours in four consecutive weeks with a maximum 216 hours in four consecutive weeks.	
	Exclusions: domestic servants, trappers and persons engaged in commercial fisheries, members or students of certain professions, managerial employees.	
Overtime:	After standard hours - 1½ times regular rate.	
	Exclusions: Same as above	

Yukon Territory - (Labour Standards Ordinance)

Hours of Work:	Standard:	8 in a day 40 in a week
	Maximum:	10 in a day 60 in a week 260 in a month
	Exclusions:	employees who are members of the employer's family, mineral exploration, travelling salesmen, supervisory and managerial employees, members or students of certain professions, domestic servants.
Overtime:		After standard hours - 1½ times regular rate.
		Persons employed in mines are not to work in excess of the standard hours.
	Exclusions:	same as above

WEEKLY REST-DAY

The Canada Labour Code (Section 31) provides that employees must be given at least one full day of rest in the week, on Sunday, if possible.

Two exceptions to this general rule are provided for in the regulations. A weekly rest-day does not need to be granted where working hours are averaged over a specified period.

Where working hours in excess of 48 in a week are allowed under a permit from the minister of labour, the minister may specify in the permit that a weekly rest need not be scheduled, as required by the code, and may prescribe alternative periods of rest.

Nine provinces -- Alberta, British Columbia, Manitoba, New Brunswick[1], Newfoundland, Nova Scotia, Ontario, Québec, Saskatchewan and the Northwest and Yukon Territories provide for a weekly rest-day, but the provisions vary in scope. These provisions are applicable to most employees within each jurisdiction.

The Alberta Employment Standards Act requires every employer to allow his employees, with the exception of farm workers, domestic workers in a private home, provincial government employees and municipal policemen, at least 24 consecutive hours of rest each week, 48 consecutive hours in each period of 14 consecutive days, 72 consecutive hours in each period of 21 consecutive days, or 96 consecutive hours of rest in each period of 28 consecutive days. If work is carried on by shift, an employee may not be required to change from one shift to another without at least 24 hours' notice in writing; the employee must be allowed 8 hours of rest between the shifts. Regulations made under the previous legislation make special provisions for accumulated days of rest in the highway and railway construction, geophysical exploration, land surveying, brush clearing, oil well drilling, oil well service and pipeline construction industries, for employees of rural municipalities engaged in road work, and for cooks, night watchmen, etc., in lumber camps.

The Employment Standards Act in British Columbia provides for a rest period of 32 consecutive hours weekly. The Act states that an employer who requires work during the 32-hour rest period must pay the employee double his regular wage for all hours worked.

Excluded by regulation from these requirements are: farm workers; horticultural workers; domestics; live-in homemakers; bus operators; truck drivers, his swampers or helpers; motorcycle operators; persons employed in connection with the operation of a kitchen, dining room, cookhouse, bunkhouse or recreation room that has been established

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[1]The new Employment Standards Act in New Brunswick, awaiting proclamation, retains the same provision concerning the weekly rest-day that was enacted in the Minimum Employment Standards Act.

for the sole purpose of serving employees of an industrial undertaking that is located in a rural area; ambulance drivers or attendantants, etc.*

Different arrangements may be made on application of the employer and employees concerned if the director of employment standards approves.

In Manitoba, the Employment Standards Act provides that a rest period of at least 24 consecutive hours, if possible Sunday, must be granted to most employees. Exempted are farm workers; independent contractors; persons employed in agriculture, fishing, fur farming, dairy farming or growing of horticultural or market garden products for sale; domestics in a private home employed for less than 24 hours in a week; specified volunteer workers; beneficiaries under a rehabilitation or therapeutic project given employment; students of professions; professionals; watchmen, janitors and firemen living in the building in which they are employed; managers and supervisory employees; repair workers in emergencies; and persons employed for not more than three hours on a weekly rest-day merely for the purpose of looking after horses as part of their usual duty. The minister of labour is given discretion to exempt a particular undertaking from the application of weekly rest provisions for a fixed period or indefinitely. Where a plant is exempted, each employee must be given an additional holiday without pay for each weekly day of rest to which he would have been entitled except for the permit of exemption, and the holidays may be accumulated.

The New Brunswick Minimum Employment Standards Act requires employers to give their employees a weekly rest of at least 24 consecutive hours, to be taken if possible on Sunday. Where a weekly rest is impracticable, the minister of labour may permit rest periods to accumulate and to be taken later, either part at a time or all together. The only employees not covered are farm workers, a person employed in a private home, employees required to cope with an emergency and part-time workers who are not usually employed more than five hours in a day. Certain groups of employees may be designated by the Lieutenant-Governor-in-Council as being outside the scope of the act.

Under the Newfoundland Labour Standards Act, an employer is required to grant his employees a weekly rest period of at least 24 consecutive hours, wherever possible on Sunday. The requirement does not apply to employees engaged in emergency work, or to persons employed solely in senior managerial capacities, or to a crew member of a ferry boat. It also does not apply to an employee who is subject to a collective agreement within the meaning of The Labour Relations Act 1977 and The Fishing Industry (Collective Bargaining) Act 1971.

Any employer or class of employers may be exempted by regulations, subject to such conditions as may be prescribed. Currently excluded are employers operating in remote areas whose employees have given the employer written notice that they do not wish a rest period.

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*For a more complete list of exclusions the reader is advised to consult B.C. Employment Standards Regulation 37/81, gazetted February 10, 1981, p.87-95.

Under the Nova Scotia Labour Standards Code, employees in industrial undertakings (e.g., mining, manufacturing, construction) must be granted a rest period of at least 24 consecutive hours in every period of seven days, preferably to all employees simultaneously on Sunday. This provision may be exceeded in continuous processes.

In Ontario, the One Day's Rest in Seven Act provides for 24 consecutive hours in every seven days for employees of hotels, restaurants or cafes in cities and towns having a population of 10 000 and over. Wherever possible, this rest day shall be on Sunday. This act excludes watchmen, janitors, superintendents or foremen and persons employed less than five hours in any one day.

A regulation issued under the Employment Standards Act, 1974 states that domestic employees (cooks, housekeepers, nannies) are entitled to at least 36 consecutive hours of free time per week without deduction from wages. If work is performed during this free time, the equivalent amount of time off or payment at not less than $3 an hour must be given. Baby-sitters or companions are not covered by this order.

In Québec, An Act respecting labour standards, provides for a weekly rest period of 24 consecutive hours. In the case of a farm worker, that day of rest may be postponed to the following week. An employer may, with the authorization of the "Commission des normes du travail", stagger the working hours of his employees on a basis other than a weekly basis, provided that the average of the working hours is equivalent to the norm.

The act applies to every employee regardless of where he works and to some government agencies. However, it does not apply to certain categories of employees: a person employed on a farm operated with the habitual assistance of not more than three employees; an employee whose main duty is the care of a child, or of a disabled, handicapped or aged person if the employer is a non-profit organization; an employee governed by the Construction Industry Labour Relations Act, 1968; a student who works during the school year on a job induction program approved by the Department of Education; and a worker who is party to a contract if the government, by regulation pursuant to another act, establishes the remuneration of that employee.

The Saskatchewan Labour Standards Act provides for a rest period of one day in every seven days for employees who usually work more than 20 hours in a week. Except in the retail trade, employers in establishments where ten or more persons are employed, are required to grant a rest period of two consecutive days every week, one preferably on Sunday, if such employees work at least 20 hours per week. The director may grant a permit of exemption if satisfied that these provisions would work hardship on the employer or any class of employers, or any of this employees. Exempted are workers employed in farming, ranching or market gardening, managerial employees, fire fighters, teachers, domestic workers employed in a private home, and employees of sheltered workshops or work activity centres who are socially, physically or mentally impaired or handicapped.

The Labour Standards Ordinance of the Northwest Territories provides that, unless an exception is made by regulations, employees must be given at least one full day of rest in each week, and that the normal day of rest must be Sunday wherever possible. This ordinance does not apply to domestic servants in private homes, trappers and persons engaged in commercial fisheries, students of professions, managers or superintendents, persons who exercise management functions.

In the Yukon each employee has two full days of rest in the week and, wherever practicable, Sunday shall be one of the normal days of rest. Exempted are employees who are members of the employer's family, individuals who search for minerals, travelling salesmen, individuals whose duties are solely of a supervisory or managerial capacity, students of professions and persons or classes of persons as may be designated by regulation.

ANNUAL VACATIONS WITH PAY

The Canada Labour Code, Part III, Division III provides for a vacation with pay of at least two weeks each year of employment and three weeks after six years. Vacation pay is four per cent of wages for the year in which the employee establishes his claim to a vacation and six per cent of annual earnings after six years of employment.

A year of employment, under the federal law, must be continuous with one employer, and may be a 12-month period commencing with the day the employee began to work for the employer or any subsequent anniversary of that date, or it may be a calendar year or another year approved by the minister of labour.

All provinces have annual vacation legislation. The provisions regarding annual vacations with pay are contained in the Alberta Employment Standards Act, Part 3, Division 4, and a special order for the construction industry made pursuant to the act; in the Newfoundland Labour Standards Act, Part I; in the Ontario Employment Standards Act, 1974, Part VIII and regulations; in Québec, An Act respecting labour standards, Chapter IV, Division IV; in the Saskatchewan Labour Standards Act, Part V, and regulations; and in the Prince Edward Island Labour Act, Part 3. British Columbia provides for annual vacations with pay in the Employment Standards Act, Part 4. Manitoba and New Brunswick[1] have separate annual vacations laws. The Nova Scotia Labour Standards Code contains vacation with pay provisions. Vacation with pay provisions are also contained in most decrees under the Québec Collective Agreement Decrees Act and the Construction Industry Labour Relations Act. Some industrial standards schedules make provision for pay in lieu of annual vacations. Labour Standards Ordinances cover annual vacations for the two territories.

Exclusions

The Canada Labour Code applies to industries within federal jurisdiction and there are no exclusions.

The provincial and territorial laws govern employees in employment within the jurisdiction of the province, with the exception of the classes of employees noted below.

Alberta excludes certain categories of salespersons; farm workers; domestics employed in a private dwelling; municipal police; provincial government employees and by a special order governing the construction industry, construction workers with the exception of office employees employed at the construction site. The jurisdiction of British Columbia exempts certain named professionals; students employed at the school where they are enrolled; students enrolled at a secondary school

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[1]The Employment Standards Act, awaiting proclamation, will repeal and replace the Vacation Pay Act in New Brunswick.

under the supervision of a local school authority in a class of work experience or occupational or work study; students enrolled in an occupational training program under the direction of an instructor employed by the Ministry of Education; sitters and persons receiving income assistance while participating in an employment program.

In Manitoba, people who are engaged in farming, ranching, market gardening and domestic servants remunerated by the householder where they are not employed for more than 24 hours in any week are excluded from the legislation.

In New Brunswick, persons who are working 24 hours per week or less, domestic servants, farm workers and people employed by the Crown are exempted. In Newfoundland, members and students of certain professions are excluded.

In Nova Scotia, agricultural workers, persons employed on fighing vessels, certain salesmen, domestic servants employed in private homes, qualified practitioners and students of certain professions are exempted from the vacation pay provisions of the code.

In Ontario, excluded are: qualified practitioners; students of certain professions; teachers; workers of commercial fishing; certain salesmen (registered, paid by commission, etc.); farm workers (except those who are employed on farms to harvest fruit, vegetables and tobacco who are eligible for a vacation with pay, or vacation pay, if they have been employed for 13 weeks or more); certain listed trainees on courses; secondary school students who perform work under a work experience program authorized by the school board in which they are enrolled; persons who perform work under a program approved by a community college or university; inmates of a correctional institution who participate in an authorized work project or rehabilitation program, and offenders who perform work or services under an order or sentence of a court.

Prince Edward Island excludes persons who work 24 hours or less in a week, and farm labourers other than in a commerical undertaking.

In Québec these provisions do not apply to the employer's immediate family; to a student employed in a non-profit organization; to certain categories of salesmen; to an insurance agent remunerated on commission; to a supernumerary employee during the harvesting period; to a trainee within the framework of a training program recognized by law; to farm workers employed on farms where not more than three employees are normally employed, to employees whose main duties are the care, in a dwelling, of a child, or of a disabled, handicapped or aged person, if that work does not serve to procure profit to the employer; construction workers; certain contractors whose remuneration is derived from profit, and students working in certain job experience programs. The large group of workers governed by collective agreement decrees are also outside the scope of the Québec vacation order.

Saskatchewan exempts an employee in an undertaking in which only members of the employer's family are employed, persons engaged in farming,

ranching, market gardening (except egg hatcheries, greenhouses, nurseries and bush clearing), teachers and certain Crown employees.

Northwest Territories exclude domestic servants, trappers, persons engaged in commercial fisheries, members and students of certain professions and persons who exercise management functions. The Yukon Territory exludes only the employer's family.

Vacation Pay

As indicated in the table, Alberta requires the payment of regular pay for the vacation period. Regular pay means the pay the employee would have earned for his normal hours of work during the vacation period.

In the other jurisdictions, vacation pay is a percentage of the employee's earnings for the period during which he establishes his right to a vacation. The acts vary in what is included as earnings. Vacation pay is defined as four per cent of the annual earnings except in Saskatchewan where it is 3/52 of annual earnings on completion of one year's service, and 4/52 on completion of the 10th and subsequent years. In British Columbia and the Northwest Territories, vacation pay is defined as six per cent of annual earnings after five years of service; in Manitoba, as six per cent after four years of service, and in Québec after ten years.

Entitlement

In all jurisdictions except Saskatchewan, employees are entitled to two weeks annual vacation after each complete year of employment. In British Columbia, an employee is entitled to two weeks after each completed year of employment and one additional week after the completion of five years of employment with the same employer. In Saskatchewan, an employee is entitled to three weeks annual vacation after one year of employment and to four weeks after ten years. In Manitoba, an employee is entitled to two weeks' vacation after each year of employment and three weeks for each year of service subsequent to the fourth year. The years need not be continuous, but the employee must have worked at least 50 per cent of his regular working hours in each of four years in the preceeding ten years. He must also have worked 95 per cent of his normally scheduled hours in the fifth year to be entitled to three weeks vacation.

After five years of employment with any one employer, be it five years continuous or five years accumulated within the past ten years, an employee in the Northwest Territories is entitled to three weeks annual vacation; while in Québec, an employee who is credited with ten years of uninterrupted service with the same employer is entitled to three weeks vacation.

Most of the laws specify the working time constituting a year of employment. In British Columbia, the director of employment standards may authorize an employer to use a common anniversary date to calculate annual vacation entitlement and where an employee has not completed a full year,

the employer must give him an annual vacation calculated on a proportional basis. In New Brunswick[1], a year's service consists of not less than 225 working days or shifts. In Manitoba, an employee is held to have completed a year's service if he has worked not less than 95 per cent of the regular working hours during a continuous 12-month period. In Newfoundland, Nova Scotia and Prince Edward Island, the employee must have worked 90 per cent or more of the working time during the year. In Québec, a "reference year" is a period of 12 consecutive months. That period extends from May 1 of the preceding year to April 30 of the current year unless an agreement or decree fixes a different starting date. In Saskatchewan, an "accumulated year of employment" means any year of employment that has been accumulated in consecutive periods that are not separated by more than 182 days. In the territories a "year of employment" is defined as continuous employment of an employee by one employer for a period of 12 consecutive months beginning with the date employment began or any subsequent anniversary date.

Where an employee has worked less than the prescribed working time for a year's continuous service and continues to work for the same employer, he is entitled to a vacation on a pro rata basis in Alberta, and to accrued vacation pay for the period worked during the year in British Columbia, Manitoba, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Northwest Territories and the Yukon Territory. The vacation pay is payable in New Brunswick and Prince Edward Island not later than the next regular pay period after the end of the vacation pay year; in Manitoba, on the anniversary date of the worker's employment; in Newfoundland, within two weeks after the anniversary date; and in the other two provinces, within a month after the anniversary date.

In Québec, if a worker has not completed a year's service for the same employer, he is entitled to a continuous vacation of one day for each working month to a total not exceeding two weeks. If the vacation pay which an employee would otherwise receive would be reduced by reason of absence of work due to sickness, accident or maternity leave, the four per cent or six per cent calculation is not used. Instead, the employee receives vacation pay equal to two or three times, as the case may be, the weekly average of the wage earned during the period of work. An employee whose annual leave is less than two weeks receives an amount in proportion to the days of leave credited to his account. Similarly, in Saskatchewan, regulations provide that, in order to make the vacation entitlement date of his employees uniform, an employer may grant to an employee with less than a year's service a continuous vacation of one and one-half days for each month of employment.

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[1]Under the new Employment Standards Act, a "vacation pay year" consists of the period from the first day of July to the last day of June then following. The employee is entitled to one day per month during which he has worked at least 19 days, or to two weeks vacation, whichever is less.

When Vacation is Taken

The employer may determine the time when each of his employees may take the annual vacation to which he is entitled, within certain limits laid down by law. The vacation must be given in New Brunswick not later than four months after June 30; in Manitoba within ten months, and in the federal jurisdiction, British Columbia, Newfoundland, Nova Scotia, Ontario and Prince Edward Island, not later than ten months after the date on which the employee becomes entitled to a vacation; in Québec the leave must be taken within 12 months after the end of the reference year, unless a collective agreement or decree allows it to be deferred to the following year; and in Saskatchewan and Alberta not later than 12 months after the date of entitlement. In the Yukon and Northwest Territories, the vacation must be granted not later than ten months after the date on which the employee becomes entitled to it. Vacation pay must be given at least one day before the vacation is to begin or at an earlier date, if the regulations so prescribe.

How Vacation is Taken

Most jurisdictions specify that the vacation to which an employee is entitled may be taken or given in one or more unbroken periods.

In Alberta, the vacation may be taken in one unbroken period of two weeks, or, at the request of the employer, in two one-week periods. In British Columbia, an employee may take his vacation in periods of one or more weeks at a time. In New Brunswick[1], an employee who works the required number of days in a vacation year is entitled to an unbroken vacation. In Newfoundland, unless an employee agrees to shorter periods, he is entitled to take his annual vacation in one unbroken period of two weeks, or in two unbroken periods of one week, provided that the employee gives the employer written notice of the option chosen not later than the date on which he becomes entitled to his vacation. In Nova Scotia, an employee is entitled to an unbroken vacation, but the employee and the employer may by agreement provide for two or more vacation periods. In Ontario, an employer may determine when an employee can take his vacation, which shall be for a two-week period or two periods of one week each. In Prince Edward Island, an employee is entitled to an unbroken vacation. In Québec, the "minimum" (i.e. unbroken) vacation period is two weeks. In Saskatchewan, an employee is entitled to the entire vacation in one continuous and uninterrupted period, but cannot split the vacation into periods of less than one week. The Canada Labour Code, Manitoba, the Northwest Territories and the Yukon provide for an annual vacation but no mention is made as to whether it can be broken.

Notice

Nine jurisdictions require an employer to give notice to the employee of when his vacation is to begin. The minimum period of notice

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[1]The new Employment Standards Act, although not specific, refers to "a vacation that as a minimum is equal to ..."

required is one week in New Brunswick, Nova Scotia and Prince Edward Island; two weeks in the federal jurisdiction and Newfoundland; 15 days in Manitoba; and four weeks in Québec and Saskatchewan. Under the Canada Labour Code, and in Manitoba, Newfoundland and Saskatchewan, another period of notice may be substituted by agreement. In Alberta, the employer must give the employee one week's notice, if agreement cannot be reached regarding the date on which the vacation is to commence.

An employer in a federal undertaking is required to pay his employees their vacation pay during the 14 days before the beginning of the vacation, except in cases where it is impracticable to do so and the custom of the establishment is to pay vacation pay on the regular payday during or immediately following an employee's vacation. Most of the provincial laws require vacation pay to be paid at least one day before the vacation begins. In Alberta, vacation pay must be paid to an employee at least one day but not more than two weeks before the commencement of the leave. In British Columbia, an employee is entitled to vacation pay at least seven days before his annual vacation begins. In Ontario, the employee is entitled to his vacation pay on his regular payday during the vacation period or at a time designated by the director of employment standards. The Québec law simply states that vacation pay must be paid before the beginning of the leave. In Saskatchewan, an employer must pay an employee his pay during the 14 days immediately preceding the beginning of the vacation.

Statutory Holiday

The Canada Labour Code stipulates that an employee's annual vacation may be extended by one day in lieu of a general holiday that occurs during the vacation. Several provincial laws make this provision mandatory. In Manitoba, when a general holiday occurs during the period of a vacation with pay, the employee's vacation must either be lengthened by one day or the employee must be granted another day off with pay not later than 60 days following his vacation, or on another day mutually agreed to by the employer and the employee. In Ontario, the employer must either pay the employee, if he agrees, his regular wages for the public holiday or grant him another working day off with pay not later than his next annual vacation. (In Manitoba, Newfoundland and Saskatchewan, a general holiday is defined as a day for which he is entitled to be paid wages without being present at work.) The federal, Alberta and Saskatchewan laws provide further that for the extra day the employee is to be paid the wages to which he is entitled for the holiday.

The Yukon ordinance provides that, if a general holiday occurs during an employee's vacation, the vacation is to be extended by one day in lieu of the holiday, and that the employee must be paid the wages to which he is entitled for the holiday, in addition to his vacation pay.

Termination of Employment

Under the Canada Labour Code and all the provincial laws, workers are entitled to vacation pay on termination of employment during the working year. In most jurisdictions vacation pay must be paid immediately on termination of employment. In British Columbia, where the employer terminates the employee's employment, he must pay the employee all wages owing him immediately and where the employee terminates his employment he must be paid all wages owing to him within six days. In Ontario and Newfoundland, vacation pay is payable within seven days of the date of termination; in Nova Scotia, within 10 days; in New Brunswick[1] and Prince Edward Island, by the next regular payday following termination of employment, and in Saskatchewan within 14 days of termination.

In Alberta, employers in the construction industry must give each employee vacation pay at least equal to four per cent of his wages on December 31 of each year, or on termination of employment. If he is to receive an annual vacation, he must be paid his vacation pay the day before his vacation commences.

In both Territories, when employment is terminated during a year, the employee is entitled to any vacation pay owing to him in respect of a previous completed year of employment and to four per cent of his wages for the period he has worked during the year--or, in the Northwest Territories, six per cent--if the employee is entitled to it. In the Yukon Territory an employee is not entitled to vacation pay, however, unless he has been continuously employed for 30 days or more.

When a business changes hands, an employee is considered to have been in continuous employment before and after the transfer.

[1]The new Employment Standards Act in New Brunswick also adds that under no circumstances shall the employer delay payment beyond 21 days after the last day the employee was employed.

9. ANNUAL VACATIONS WITH PAY

Jurisdiction & Legislation	Length of Vacation	Vacation Pay	When Entitled	When Pay Given
Canada Canada Labour Code and Labour Standards Regulations	a) 2 weeks b) 3 weeks after 6 consecutive years with same employer	4% of annual earnings 6% of annual earnings after 6 years	In respect of every year of employment, and granted within 10 months of completion of year.	Within 14 days before vacation begins, or where this method is impracticable, on a payday during or after vacation according to established practice.
Alberta Employment Standards Act	2 weeks	regular pay	Within 12 months after each year's employment.	At least one day but not more than 2 weeks before vacation begins or on termination of employment.
British Columbia Employment Standards Act	a) 2 weeks b) 3 weeks after 5 continuous years with same employer	4% of annual earnings 6% of annual earnings after 5 years, (i.e., 2% per week of vacation)	At the conclusion of each working year; the vacation time must be granted within 10 months after the anniversary date of his employment.	At least one week before vacation begins.
Manitoba Vacations with Pay Act	2 weeks; 3 weeks after 4 years (4 years' service must be completed within 10 years)	4% of annual earnings, 6% after 4 years of continuous service	On completion of year's service; the vacation time must be granted within 10 months after the 12 month qualifying period.	At least one day before vacation begins. Salaried employees may be paid on regular payday if they agree.

Jurisdiction & Legislation	Length of Vacation	Vacation Pay	When Entitled	When Pay Given
New Brunswick Vacation Pay Act	2 weeks	4% of annual earnings	No later than 4 months after end of vacation pay year (July 1-June 30).	At least one day before vacation begins.
Newfoundland Labour Standards Act	2 weeks	4% of annual earnings	Within 10 months after 12-month period. Regulations may establish system for taking vacation during the year in which vacation accruing.	At least one day before vacation begins.
Nova Scotia Labour Standards Code	2 weeks	4% of annual earnings	Within 10 months after 12-month period.	At least one day before vacation begins.
Ontario Employment Standards Act	2 weeks	4% of annual earnings	After 12 months of employment. The leave must be granted not later than 10 months after the period for which the vacation was given.	On the regular pay day of the employee during the vacation period, or at a time designated by the director of employment standards.
Prince Edward Island Labour Act	2 weeks	4% of annual earnings	After 12-month period.	At least one day before vacation begins.

Jurisdiction & Legislation	Length of Vacation	Vacation Pay	When Entitled	When Pay Given
Québec Labour Standards Act	2 weeks after 1 year 3 weeks after 10 years; if less than 1 year of service: 1 day/month up to a maximum of 2 weeks	4% of gross wages during the reference year (May 1-April 30) 6% after 10 years	Within 12 months after the end of the reference year, unless the terms of a collective agreement or a decree permit it to be deferred.	In a lump sum before departing on vacation.
Saskatchewan Labour Standards Act	3 weeks after 1 year 4 weeks after 10 years	3/52 of annual earnings; 4/52 of annual earnings	Within 12 months after each year of employment.	During 14 days before vacation begins.
Northwest Territories Labour Standards Ordinance	2 weeks 3 weeks after 5 years	4% of annual earnings; 6% of annual earnings	In respect of every completed year of employment.	At least one day before vacation begins.
Yukon Territory Labour Standards Ordinance	2 weeks	4% of annual earnings	In respect of every completed year of employment.	At least one day before vacation begins.

GENERAL HOLIDAYS

The federal jurisdiction, nine provinces — Saskatchewan, Newfoundland, Quebec, Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia and Ontario — and the two territories, have legislation of broad application dealing with paid general holidays.

The tables which follow in this section give the paid general holidays and the pay for holidays worked and not worked for the federal jurisdiction and the provinces.

Federal

Under the Canada Labour Code, Part III, Division IV, nine general holidays in a year are to be observed as paid holidays -- New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day. The code provides also that, under certain conditions, an alternative holiday may be substituted for any of the nine holidays specified.

Should a holiday occur on a day on which an employee does not normally work, he must be granted a day off with pay in lieu of the holiday, either at a time convenient to him and his employer or by the addition of a day to his annual vacation.

If Christmas, New Year's Day, Dominion Day or Remembrance Day fall on a Saturday or Sunday, that is a non-working day for an employee, he must be given a holiday with pay on the working day immediately before or after the general holiday. These provisions regarding alternative days off do not apply, however, to employees covered by a collective agreement that entitles them to at least nine paid holidays a year.

The code lays down the general principle that an employee in a federal undertaking who does not work on a holiday is entitled to his regular pay for the day. If he is paid by the week or month, his wages must not be reduced by reason of his not working on a holiday. If he is paid on any other basis, he must receive the equivalent of the wages he would have earned at his regular rate for his normal working day. The regular rate of wages for an employee whose hours of work vary from day to day or who is paid other than on an hourly or daily basis is the average of his daily earnings, exclusive of overtime, for the 20 days he worked immediately preceding the holiday.

An employee in a federal undertaking who is required to work on a general holiday is entitled to his regular wages for the day, and in addition, to time and one-half his regular rate for all time worked. In effect, he is paid two and one-half times his usual rate.

Different provisions apply to employees employed in continuous operations who are required to work on a holiday. A "continuous operation" is defined to include any industrial establishment in which in each seven-

day period operations normally continue without cessation until the end of the regularly scheduled operations for that period; the operation of trains, planes, ships, trucks and other vehicles; telephone, radio, television, telegraph or other communication or broadcasting services; or any other operation normally carried on without regard to Sundays or holidays.

An employee who works on a holiday must be paid his regular wages for the day and must, in addition, be paid time and one-half his regular rate for the time worked, or he must be granted a holiday with pay at some other time, either a day added to his annual vacation or another day convenient to him and his employer or, where a collective agreement so provides, be paid for the holiday on his next non-working day.

There are some situations in which an employee is not entitled to holiday pay. An employee is not entitled to pay for a general holiday that occurs in his first 30 days of employment with an employer, but if he is required to work on a holiday he must be paid time and one-half his regular rate. If he is employed in a continuous operation, he may be paid at his regular rate for work done on a holiday.

A further exception is that an employee is not entitled to pay for a general holiday on which he does not work if he is not entitled to wages for at least 15 days during the 30 calendar days immediately preceding the holiday. An employee in a continuous operation is not entitled to pay for a general holiday if he did not report for work in response to a call from the employer, or if he makes himself unavailable for work in accordance with the conditions of employment prevailing in the establishment in which he works.

A general regulation provides that a longshoreman employed by an employer who is a member of a "multi-employer unit" is entitled to holiday pay if he is entitled to wages for at least 15 days or 120 hours in the 30 calendar days immediately preceding a general holiday. Pay for the holiday may not be less than eight times the employee's basic hourly wage rate.

A longshoreman employed by an employer who is not a member of a "multi-employer unit" must be paid, on each payday in lieu of general holidays, an amount equal to 3.5 per cent of his basic wage rate multiplied by the number of hours he has worked for the employer in the pay period.

A longshoreman who is required to work on a general holiday is to be paid at not less than one and one-half times his basic rate of wages for the time worked by him on that day.

Alberta

In Alberta, the Employment Standards Act requires employers to give their employees eight paid holidays a year - New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day,

Remembrance Day and Christmas Day. The Crown and its employees, domestic servants in private homes, farm labourers, municipal policemen and various categories of salesmen are excluded from entitlement to public holidays.

The rule is that if one of the eight general holidays falls on a regular working day for the employee and he does not work on that day, he is entitled to his regular wages for the day.

If the employee is paid by the week or month, his wages must not be reduced by reason of his not working on the holiday. If he is paid on a daily or hourly basis, he must be paid at least the equivalent of the wages he would have earned for his normal hours of work. If his wages are calculated on other than an hourly, daily, weekly or monthly basis, the employee must receive the equivalent of his average daily earnings, exclusive of overtime, for his term of employment or for the two months he worked immediately preceding the week in which the holiday occurred.

Where an employee is required to work on a general holiday, he must be paid his regular pay for the day and, in addition, time and one-half his normal wages for the time worked. Alternatively, he must be given a holiday with pay at some other time not later than his next annual vacation, or on termination of employment, whichever occurs first.

An employee is not entitled to a holiday with pay if he has not worked for his employer for at least 30 days in the preceding 12 months; or if he does not work on the holiday when he has been required or scheduled to do so; or if he is absent without the employer's consent on either of the working days immediately preceding or following the holiday. If such an employee works on a general holiday, he must be paid at least his normal wages for all time worked.

If an employee is not required to work on a general holiday, he must not be required to work on another day of that week that would otherwise be a day of rest, unless he is paid his normal wages for the day, in addition to all other wages due him.

Construction workers in Alberta, with the exception of office staff and brush clearing employees, must be given holiday pay in a lump sum in lieu of being given a holiday with pay and each of eight general holidays.

An employer in the construction industry is required to pay each of his employees a sum equal to 3.2 per cent of his ordinary pay for the period of his employment or the period since he was last paid such sum. Pay in lieu of holidays must be given on December 31 of each year or on termination of employment.

<u>British Columbia</u>

In British Columbia, a regulation made under the Employment Standards Act provides for nine paid general holidays a year -- New Year's

Day, Good Friday, Victoria Day, Dominion Day, British Columbia Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day. Another day may be substituted for any of the listed holidays.

The regulations do not apply to employees covered by a collective agreement under the Labour Code or the Public Service Labour Relations Act. Also excluded are: managers, certain listed professionals, employees employed primarily to harvest fruit or berry crops, various categories of salesmen, students in certain approved work programs, students employed at the school where they are enrolled and persons employed in a private residence solely to attend to a child, a disabled, infirm or other person.

If a holiday falls on a day that is a non-working day for the employee, he must be given a holiday with pay at some other time not later than his next annual vacation, or the day on which he is required to be paid vacation pay where he has not earned an annual vacation, or on termination of employment, whichever occurs first.

An employee who is not required to work on a general holiday that would otherwise be a working day must be paid his regular pay for the day. If he is paid by the week or month, his wages must not be reduced by reason of his not working on a holiday. If he is paid on any other basis he must receive the equivalent of a normal day's pay.

Where an employee's working hours vary from day to day, or where his wages are not calculated on a time basis, his pay for a general holiday is to be deemed to be the average of his daily earnings, exclusive of overtime, for the days he has worked in the four-week period immediately preceding the week in which the holiday occurs.

An employee who is not required to work on a general holiday must not be required to work on another day of that week that would otherwise be a day of rest, unless he is paid at his regular rate for all hours worked, in addition to all other wages due him.

The general rule is that, where an employee is required to work on a holiday, he must be paid not less than time and one-half his regular rate of pay for all hours worked and, in addition, must be given a holiday with pay at some other time not later than his next annual vacation or the day on which he is required to be paid his accrued vacation pay, or on termination of employment, whichever occurs first.

Where pursuant to a collective agreement, certain employees of an employer are entitled to a holiday in place of a general holiday provided for in the act, and other employees of the same employer are not covered by the agreement, the employer may give all the employees a holiday on the day specified in the agreement so that all the employees will receive a holiday on the same day.

For purposes of these provisions, an employee's "regular rate" is to be deemed to be the average of his hourly earnings, exclusive of overtime, for the hours he has worked in the four-week period immediately preceding the week in which the holiday occurs.

An employee is not entitled to pay for a general holiday that occurs in his first 30 days of employment. An employee is also excluded from holiday benefits if he has not earned wages for at least 15 days during the 30 calendar days immediately preceding the holiday.

Where the operation or service in which an employee is employed is normally carried on every day and the employer requires an employee to work on the general holiday, the employer must pay the employee in addition to his regular rate of pay for the day, either one and one-half times his regular rate for all hours worked, or a holiday with pay at some other time.

Manitoba

In Manitoba, the Employment Standards Act provides for seven paid general holidays a year -- New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day. Under certain conditions, another day may be substituted for any of the holidays named in the act. A special act deals with the observance of Remembrance Day.

Provisions in the minimum wage order of Manitoba deal with the question of pay for public holidays to the extent of prohibiting deductions from the minimum wage for time not worked on a holiday.

Workers are protected against a reduction in the minimum wage for time not worked on a general holiday (as listed above) which falls on a regular working day. Where an employee does not work on a holiday but does work the regularly scheduled hours on the days immediately preceding and following the holiday and on all the other working days in the week, he is to be deemed, for the purpose of determining the minimum amount of wages to be paid to him for that week, to have worked regular hours on the holiday. An employee does not lose the benefits of this provision through being absent on either the day before or the day after the holiday because of established illness or with the employer's consent.

The holiday provisions do not apply to independent contractors; persons employed in agriculture, fishing, fur farming, dairy farming or growing horticultural or market garden products for sale; domestic servant in private homes employed for less than 24 hours in a week; volunteers working in a religious, philanthropic, political or patriotic institutions; beneficiaries under a rehabilitation or therapeutic project who are given employment; or students and practitioners of professions governed by statute.

An employee who does not work on a holiday that falls on a regular working day is entitled to be paid at least the equivalent of the wages he would have earned on that day. When an employee's wages vary from day to day, his holiday pay must be at least equivalent to his average daily earnings, exclusive of overtime, for the days he worked during the 30 calendar days preceding the holiday. The holiday pay must be paid whether

or not the employee is on the employer's payroll at the time of the general holiday, unless the employee has voluntarily terminated his employment before that day.

Should a holiday occur on a day that is a non-working day for the employee, he must be granted a day off with pay in lieu of the holiday not later than at the time of his next annual vacation or at a time convenient to him and his employer.

If New Year's Day, Dominion Day or Christmas Day falls on a Saturday or Sunday that is a non-working day for the employee, he must be given a holiday with pay on the working day immediately preceding or following the holiday.

An employer must not require an employee who has not worked on the holiday to work on another day in the holiday week that would otherwise be his day of rest, unless he is paid one and one-half times his regular rate for the work done on that day.

An employee who is required to and does work on a general holiday is entitled to his regular pay for the day and, in addition, to one and one-half times his regular rate for the work done on that day.

An employee is not entitled to holiday pay in the following situations: if he has not earned wages on at least 15 days during the 30 calendar days immediately preceding the holiday; if he did not report for work in response to a call from the employer on the day of the general holiday, except where he is dismissed or laid off by his employer or ill; or if he is absent without the employer's consent on the regular working day immediately preceding or following the holiday, unless absent because of established illness. However, an employee who is not entitled to holiday pay for any of the above reasons must be paid at the overtime rate if he works on the holiday.

Employees in the construction industry are entitled to a lump sum in lieu of paid holidays. Each employee must be paid four per cent of his total gross wages, exclusive of overtime, for the calendar year. This amount must be paid by December 31 or on termination of employment. Where an employee in the construction industry is required to work on a holiday, he must be paid at one and one-half times his regular rate for the time worked, in addition to the lump sum.

Special provisions are also applicable to employees in a continuously operating plant, seasonal industry (except construction), place of amusement, gasoline service station, hospital, hotel or restaurant, or in domestic service other than in private homes. For these employees, equivalent compensatory time off may be substituted for overtime pay for holidays worked. The time off must be granted within 30 days and the employee must be given at least two days' notice of his day off. At the request of the employee, he and his employer may agree to a later date.

A special act in Manitoba deals with the observance of Remembrance Day. Work must not be performed on the holiday except in farming,

in certain listed essential services, in continuously operating plants, or in emergency circumstances on permit from the minister of labour.

An employee who is required to work on Remembrance Day must be paid at least his regular rate of wages and must be granted a day off with pay within 30 days before or after the holiday. In lieu of being given a day off, an employee must be paid twice his regular rate for the time worked. Where an employee is called in to work, he must be paid for the time worked or for not less than half the normal working hours of a regular working day, whichever is greater.

New Brunswick

In New Brunswick, provisions have been made for six paid general holidays under the Minimum Employment Standards Act -- New Year's Day, Dominion Day, Labour Day, Good Friday, Christmas Day and New Brunswick Day (first Monday in August).

The holiday provisions do not apply to employees who have worked less than 90 days in the previous 12 months; who have not worked for all or part of at least 15 days during the 30 calendar days immediately preceding the holiday; who fail to work on the scheduled work day immediately preceding or following the holiday[1]; who after agreement, without reasonable cause, fail to report for and perform the work; or who work under an agreement whereby they elect to work when requested to do so.

The employer shall give the holiday and pay to the employee his regular wages for each public holiday. Upon mutual arrangement, another day may be substituted, not later than the next annual vacation, for a public holiday. When a holiday falls upon a non-working day, or in an employee's vacation, an employer shall pay the employee his regular wages or designate another working day. Work on a public holiday is compensated at one and one-half times the regular rate and is not taken into consideration in calculating overtime. If an employee ceases his employment before a substituted day is taken, the employer shall pay to him the wages for that day. Where wages vary from day to day, the pay for a public holiday shall not be less than the average daily wage earned over the preceding 30 calendar days. A payment of three per cent of gross pay is equivalent to the public holiday benefits.

Where an employee is employed in a hotel, motel, tourist resort, restaurant, tavern or any continuous operation, and the employee, because of the nature of the operation, is required to and does work on a public holiday, the employer shall pay the employee one and one-half times his regular rate or pay him his regular rate and substitute another working day for the public holiday.

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[1]The Employment Standards Act, awaiting proclamation, adds the following detail: the absence of the employee on such a day must turn out to be without reasonable cause to deserve the said sanction.

Provisions dealing with public holidays do not apply to students and practitioners of certain professions or to certain categories of salesmen.

Newfoundland

The Newfoundland Labour Standards Act provides for five paid general holidays -- New Year's Day, Good Friday, Memorial Day, Labour Day and Christmas Day.

The holiday provisions do not apply to an employee if the public holiday occurs within 30 days following the commencement of his employment or if the employee has been absent from work for more than 15 days during the 30 days preceding the public holiday. An employee who fails, without just cause or without the consent of the employer, to comply with the contract of service on the regular work day immediately preceding or succeeding the public holiday is also excluded. Also, it does not apply to an employee whose period of employment is less than 20 hours in the week in which the public holiday occurs.

An employee who is entitled to a holiday with pay must be paid at his regular rate of pay for a holiday not worked.

Where a holiday falls on a non-working day, the employee must be given a holiday with pay on the working day immediately following the public holiday or during another day if the employer and employee agree.

If an employee agrees that a public holiday will be a working day, he must be paid twice his regular pay, or must be given one full day's holiday within 30 days after the public holiday with regular pay or be permitted to add one full paid day to his annual vacation.

Nova Scotia

The Nova Scotia Labour Standards Code provides for five paid general holidays -- New Year's Day, Good Friday, Dominion Day, Labour Day and Christmas Day. Under certain conditions, another day may be substituted for any of these holidays.

The holiday provisions do not apply to domestic servants in private homes, professional practitioners and trainees, various categories of salesmen, employees covered by a collective agreement, fishermen, fish packing employees, certain workers in the petro-chemical industry, and persons working in specific areas of primary farming.

An employee is entitled to a holiday with pay for each general holiday falling within any period of his employment.

If the employee is hired by the week or month, his wages must not be reduced by reason of his not working on the holiday. If he is paid on a daily or hourly basis, he must be paid at least the equivalent of the wages

he would have earned for his normal hours of work. If his wages are calculated on other than an hourly, daily, weekly or monthly basis, he must receive the equivalent of the wages he would have earned at the regular rate of wages for his normal working day.

If a holiday falls on a day that is a non-working day for the employee, he must be given a holiday with pay on the working day immediately following the general holiday, or on the day immediately following his annual vacation, or on a day agreed upon by the employee and his employer.

Where an employee is required to work on a holiday he must be paid at a rate equal to one and one-half times his regular rate of wages for the time worked by him on that day. Where an employee employed in a "continuous operation" is required to work on a holiday, he must be paid as described above, or he may be granted a holiday with pay on the working day immediately following his annual vacation, or on another day agreed upon by the employee and the employer.

An employee is not entitled to a holiday with pay if he has not earned wages for at least 15 days during the 30 calendar days immediately preceding the holiday; or if he is absent on either of the working days immediately preceding or following the holiday. (This provision is not applicable if the employer has directed him not to report on either day.) An employee in a continuous operation is not entitled to be paid for a general holiday on which he did not report for work after having been called upon to work on that day.

Ontario

The Ontario Employment Standards Act, 1974, provides for seven public holidays. The holidays are New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day and Christmas Day. An employer shall give to an employee a day off as well as his regular wages for each public holiday.

The holiday provision does not apply to an employee who is employed for less than three months; has not earned wages on at least 12 days during the four weeks immediately preceding a public holiday; fails to work his scheduled regular day of work preceding or following a public holiday; has agreed to work on a public holiday and who, without reasonable cause, fails to report and perform the work; or is employed under an arrangement whereby the employee may elect to work or not when requested to do so.

This provision likewise does not apply to managers and supervisors; hunting or fishing guides; employees in landscape gardening, mushroom growing, flower growing for retail or wholesale, or the growing, transporting and laying of sod; students employed as supervisors or instructors of children or at a children's camp; a student directly employed in a recreational program operated by a charitable organization; resident superintendent, janitor or caretaker; taxicab drivers, commis

sioned salesmen (excluding route salesmen); primary farm labourers; full-time firefighters; certain practitioners; domestic servants; teachers as defined in the Teaching Profession Act; employees in commercial fishing; students in training for certain professions; a secondary school student working under a work experience program authorized by the school board in which he is enrolled; a person who performs work under a program approved by a community college or university; an inmate of a correctional institution who participates inside or outside the institution in a work project or rehabilitation program authorized under the Ministry of Correctional Services Act, 1978; or an offender who performs work or services under an order or sentence of a court.

Effective January 1, 1981, domestic employees (cooks, housekeepers, nannies) who work more than 24 hours in a week for the same employer are entitled to seven paid statutory holidays a year. If work is performed on the holiday, another day off with regular pay must be given before the next annual vacation.

When a public holiday falls upon a working day for an employee, an employer may with the agreement of the employee or his agent substitute another working day for the public holiday not later than the employee's next annual vacation.

When the holiday falls on an employee's non-working day or in his vacation, the employer may pay the employee his regular rate of pay for that day or substitute a working day not later than the employee's next annual vacation in lieu thereof.

If an employee works on a public holiday, he is entitled to not less than time and one-half for each hour worked plus his regular wages for that day. Work on a public holiday is not taken into consideration for calculating overtime in that week.

If an employee works in a hotel, motel, tourist resort, restaurant, tavern, continuous operation, or a hospital and is required to work and works on a public holiday, the employer shall pay the employee in accordance with the above, or pay the employee the regular rate for each hour worked and give to the employee a holiday on his first working day following his next annual vacation or on a working day agreed upon, and pay his regular wages for that day.

If employment ceases before a substituted day is taken, the employer shall pay to the employee his regular wages for that day.

Prince Edward Island

In Prince Edward Island, the employment standards legislation does not as yet provide for statutory holidays. Despite the lack of general legislation, the Labour Act does provide that a conference of representatives of employers and employees in a given trade in any area of the province may formulate and submit to the minister for approval a schedule establishing, among other conditions, any particular day or days

or portion of any day on which work may not be performed, and the rates of pay if these days are worked. Such schedules were approvied in 1969 for the electrical and for the plumbing, pipefitting and sheet metal trades, and in 1973 for the carpentry and construction industry. The minimum rates of pay for a holiday worked have long since been considered obsolete and are now set by various collective agreements or employment contracts. But the holidays listed in the charts are still observed.

Québec

An Act respecting labour standards and the regulation adopted under this act provide for six statutory holidays with pay: January 1 and December 25 (fixed by the act), and Labour Day, Good Friday, Dollard Day or the Queen's Birthday, and Thanksgiving Day (fixed by regulation). For employees working in a commercial establishment the employer is given the right to choose between Good Friday and Easter Monday.

An employee who is not required to work on a statutory holiday must be paid an indemnity equal to the average of his daily wages for the two weeks preceding that holiday. If an employee is required to work on one of these days, he must be paid his regular wages for the work done plus an indemnity equal to his wages for a regular day of work or be given a compensatory holiday of one day. To benefit from a statutory holiday, an employee must be credited with 60 days of uninterrupted service and not be absent from work without the employer's authorization or without valid cause on the day preceding or following that holiday. These provisions do not apply to employees covered by a collective agreement or a decree containing at least six statutory holidays with pay in addition to the National Holiday (June 24th).

The National Holiday Act establishes the 24th of June, St. John the Baptist's Day, as a statutory public holiday.

If the holiday falls on a non-working day, the employee is entitled to a compensatory holiday equivalent to a regular day of work.

An employee must be paid his regular pay when he does not have to work on June 24th. If an employee is required to work on the 24th of June, he must be paid his regular wages for the work done plus an indemnity equal to his wages for a regular day of work, or be given a compensatory holiday of one day.

The compensatory holiday must be taken on the working day preceding or following the 24th of June. However, if at that time, the employee is on annual leave, the holiday is to be taken at a date agreed upon by the employer and the employee.

An employee must have been entitled to his wages for at least ten days during the period from June 1 to June 23 to benefit from these provisions.

Saskatchewan

In Saskatchewan, the Labour Standards Act requires employees who do not work on any of nine public holidays to be paid their regular pay. For workers in the construction industry and in logging and lumbering, the order provides for payment of a lump sum in lieu of pay for the nine listed holidays. The nine holidays are New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Saskatchewan Day (first Monday in August).

When Christmas or New Year's Day falls on Sunday, the following Monday is to be observed as a holiday. When the Monday following Remembrance Day is declared a holiday, it is to be observed as a holiday under the order. By agreement between an employer and a trade union representing a majority of the employees in an appropriate bargaining unit, another working day may be substituted for any of the nine listed holidays. Where workers are not represented by a trade union, the minister of labour may by order permit a similar substitution, if he is satisfied that the employer and a majority of the employees are in favour of the change.

The order applies to all employees except teachers as defined in the School Act, employees employed in an undertaking in which only members of the employer's family are employed, employees in farming, ranching and market gardening (other than in egg hatcheries, greenhouses, nurseries, and brush clearing operations), and handicapped workers in sheltered workshops.

If required to work on a holiday, employees in almost all workplaces must receive, in addition to their regular pay for the holiday, time and one-half the regular rate for every hour or part of an hour worked; in effect, two and one-half times their regular pay.

A major exception to the above rule is that workers in hotels, restaurants, hospitals, nursing homes and educational institutions who are required to work on a holiday must be paid, in addition to their regular pay, time and one-half the regular rate. Alternatively, these employees may be paid at the rate of one and one-half times their regular rate and be granted another day off with pay within four weeks.

Persons engaged in the operation of a well-drilling rig are required to be paid at their regular rate of wages, plus their normal pay for the day, for work performed on a holiday.

The order provides that, where an employee's wages, exclusive of overtime, vary from day to day, pay for a public holiday is to be calculated on the basis of his average daily wage, exclusive of overtime for the four immediately preceding days that bear the same name as the day on which the holiday occurs.

Workers in construction and in logging and lumbering who do not work on any of the nine specified holidays must be given holiday pay in a lump sum in an amount equal to 3.5 per cent of their gross wages for the calendar year, exclusive of overtime. Payment must be made on December 31 or on termination of employment, whichever occurs first. Where a majority

of the employees in an appropriate bargaining unit are represented by a trade-union, the union and the employer may, by agreement in writing, elect that the workers be paid regular wages for each holiday, instead of a lump sum payment.

Construction workers who work on the holiday must be paid, in addition to the lump sum payment, wages at the rate of time and one-half their regular rate for all time worked. The latter amount must be paid in the pay period in which it is earned.

Workers in the logging and lumbering industries who work on a public holiday must be paid regular pay for all time worked, in addition to the lump sum payment to which they are entitled.

The Territories

In both territories, employees are entitled to a holiday with pay in respect of each of the general holidays listed in the ordinance. Both ordinances provide for nine general holidays. In the Yukon Ordinance, Discovery Day, is provided for. The first Monday in August is provided for in the Northwest Territories. The other general holidays, common to both Territories are New Year's Day, Good Friday, Victoria Day, Dominion Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day. Another holiday may be substituted for any of the listed holidays.

The Yukon ordinance states that when a general holiday falls on a Sunday the Monday following is to be a holiday with pay.

The labour standards officer may allow another holiday with pay to be substituted for a general holiday if another holiday is specified in a collective agreement or, where there is no collective agreement, if an employer applies for a substitution and the majority of the employees agree.

In the Northwest Territories, an employee is entitled to a holiday with pay only when a general holiday falls on a regular working day. If an employee is required to work on a holiday, he must be paid at his regular rate plus one and one-half times the regular pay for the day, or he must be given a holiday with pay at a time convenient to him and his employer, not later than his next annual vacation or on termination of employment, whichever occurs first. This ordinance does not apply to domestic servants in a private home, trappers and persons engaged in commercial fisheries, members or students of professions, managers or superintendents.

The Yukon ordinance follows the Canada Labour Code, Part III (Labour Standards), in requiring, for work done on a holiday, payment of regular pay plus wages at the rate of time and one-half for the hours worked. This provision does not apply to custodial work or essential services as prescribed by regulations. A person employed in any such

employment, in addition to his regular wages, must be granted a holiday with pay at another time in lieu of a holiday on which he was required to work, or be paid time and one-half his regular pay.

In the Northwest Territories, an employee who is not required to work on a general holiday must not be required to work on another day of that week that would otherwise be a non-working day, unless he is paid at least double his regular rate of wages, and in the Yukon Territory at least one and one-half times his regular rate of wages for the time worked by him on that day.

The circumstances under which payment of holiday pay is not required differ in the ordinances.

In the Yukon, an employee is not entitled to pay in respect of a holiday on which he does not work (a) if the holiday occurs in his first 30 days of employment with an employer, or (b) if he is not entitled to wages for at least 15 days in the 30 calendar days immediately preceding the holiday, or (c) if he has not worked an average of 24 hours a week during the four-week period immediately preceding the week in which the holiday falls (excluding any period of annual vacation), or (d) if he did not report for work on the holiday after having been called to work, or (e) if, without his employer's consent, he did not report for work on either the day preceding or the day following the holiday.

Under the Northwest Territories ordinance, an employee is not entitled to be paid for a holiday if he has not worked for his employer for at least 30 days in the preceding 12 months. Other exceptions are the same as in (d) and (e) above.

Other Legislation Dealing with Holidays

Provisions prohibiting work on specified public holidays except with a permit, stipulating that certain holidays must be observed as paid holidays, or requiring the payment of an overtime rate for work done on specified holidays, are regular features of the decrees under the Québec Construction Industry Labour Relations Act and Collective Agreement Decrees Act, and of industrial standards schedules in Alberta, Newfoundland, New Brunswick, Nova Scotia, Ontario, Prince Edward Island and Saskatchewan. These provisions, while regulating a considerable portion of industry, particularly in Québec, apply only to certain trades and areas in the provinces concerned.

Several provinces have enacted legislation requiring retail businesses to remain closed on specified public holidays but the legislation does not require that employees be paid for days not worked as a result of the legislation.

10. PAID GENERAL HOLIDAYS*

Jurisdiction & Legislation	Holidays	Pay for Holidays Not Worked	Pay for Holidays Worked
Federal Canada Labour Code and Labour Standards Regulations	New Year's Day Good Friday Victoria Day Dominion Day Labour Day Thanksgiving Day Remembrance Day Christmas Day Boxing Day	regular pay	regular pay + 1½ times regular rate Continuous operations: regular pay + a) 1½ times regular rate, or b) another day off with pay, or c) pay for next non-working day
Alberta Employment Standards Act and Board No. 21	New Year's Day Good Friday Victoria Day Dominion Day Labour Day Thanksgiving Day Remembrance Day Christmas Day	regular pay if holiday falls on regular working day for employee; construction industry: a lump sum is paid for general holidays	regular pay + a) 1½ times regular rate, or b) another day off with pay
British Columbia Employment Standards Act and Regulation	New Year's Day Good Friday Victoria Day Dominion Day Labour Day Thanksgiving Day Remembrance Day Christmas Day British Columbia Day	regular pay	1½ times regular rate + another day off with pay Continuous operations: regular pay + a) 1½ times regular rate, or b) another day off with pay

*Prince Edward Island has no provision for paid holidays.

Jurisdiction & Legislation	Holidays	Pay for Holidays Not Worked	Pay for Holidays Worked
Manitoba Employment Standards Act and The Remembrance Day Act	New Year's Day Good Friday Victoria Day Dominion Day Labour Day Thanksgiving Day Christmas Day Remembrance Day*	regular pay; construction: 4% of gross earnings (excluding overtime) for year	regular pay + 1½ times regular rate; For Remembrance Day: a) twice regular pay or b) regular pay plus one day leave with pay Continuous operations, seasonal industry, place of amusement, gasoline service station, hospital, hotel or restaurant and domestic service: regular pay + equivalent compensatory time off with pay. Construction: 4% of gross earnings (excluding overtime) for year + 1½ times regular rate for days worked.
New Brunswick Minimum Employment Standards Act	New Year's Day Good Friday Dominion Day New Brunswick Day Labour Day Christmas Day	regular pay	a) regular pay + 1½ times regular rate, or b) another day off with pay

*In Manitoba, there is no requirement that employees be paid for the Remembrance Day holiday if they are not required to work.

Jurisdiction & Legislation	Holidays	Pay for Holidays Not Worked	Pay for Holidays Worked
Newfoundland Labour Standards Act	New Year's Day Good Friday Memorial Day Labour Day Christmas Day	regular pay	a) twice regular pay, or b) one full day holiday (paid) within 30 days, or c) add one full day (paid) to annual vacation
Nova Scotia Labour Standards Code	New Year's Day Good Friday Dominion Day Labour Day Christmas Day	regular pay	regular rate + 1½ times regular rate Continuous operations: as above or another day off with pay.
Ontario Employment Standards Act	New Year's Day Good Friday Victoria Day Dominion Day Labour Day Thanksgiving Day Christmas Day	regular wages	A. regular rate + a) 1½ times regular rate or b) another day off with pay B. when holiday falls on non-working day or a day of employee's annual vacation: another working day off

Jurisdiction & Legislation	Holidays	Pay for Holidays Not Worked	Pay for Holidays Worked
Québec, National Holiday Act & Labour Standards Act and Regulations	January 1st Good Friday (or Easter monday in certain cases) Dollard Day (or Victoria Day) National Holiday Labour Day Thanksgiving December 25	regular pay	A. regular pay + indemnity equal to his wages for a regular day of work; or regular pay + one day holiday taken within three weeks before or after that day (in the case of the National Holiday, the day off must be taken on the working day before or after June 24) B. when holiday falls on non-working day: another working day off or indemnity equal to the average of the daily wages for the two weeks preceeding that holiday
Saskatchewan Labour Standards Act, and Regulations	New Year's Day Good Friday Victoria Day Dominion Day Labour Day Thanksgiving Day Remembrance Day Christmas Day Saskatchewan Day	regular pay Construction, lumbering and logging: lump sum Well drilling: regular pay Hotel, restaurant hospital, nursing home and educational institution: regular pay	regular pay + 1½ times regular rate Hotel, restaurant, hospital, nursing home and educational institution: regular pay + a) 1½ times regular rate, or b) time off equivalent to 1½ times regular rate + 1 day off at regular wage within four weeks Well drilling: regular pay + regular rate Construction: lump sum (3.5% annual gross excluding overtime) + 1½ times regular rate Logging and lumbering: lump sum (3.5% annual gross excluding overtime) + regular rate

Jurisdiction & Legislation	Holidays	Pay for Holidays Not Worked	Pay for Holidays Worked
Northwest Territories Labour Standards Ordinance	New Year's Day Good Friday Victoria Day Dominion Day First Monday in August Labour Day Thanksgiving Day Remembrance Day Christmas Day	regular pay if holiday falls on regular working day	regular pay + a) 1½ times regular rate, or b) another day off with pay An employee who is not required to work on a general holiday, shall not be required to work on another day that would otherwise be a non-working day in the week in which the holiday occurs unless he is paid double time.
Yukon Territory Labour Standards Ordinance	New Year's Day Good Friday Victoria Day Dominion Day Discovery Day Labour Day Thanksgiving Day Remembrance Day Christmas Day	regular pay	A. regular pay + 1½ times regular rate B. Custodial work, continuous operations and essential services: regular rate + a) another day off with pay, or b) 1½ times regular pay C. An employee who is not required to work on a general holiday shall not be required to work on another day that would otherwise be a non-working day in the week in which the holiday occurs unless he is paid 1½ times regular rate.

INDIVIDUAL AND GROUP TERMINATION OF EMPLOYMENT

The federal jurisdiction and nine provinces — Alberta, British Columbia, Manitoba, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan — have legislation requiring an employer to give notice to the individual worker whose employment is to be terminated[1]. Five of these provinces place an equal obligation on the employee to give notice to his employer before quitting his job.

In addition, the Parliament of Canada, Manitoba, Newfoundland, Nova Scotia, Ontario and Québec require an employer to give advance notice of a projected termination of employment or layoff of a group of employees[1].

The Canada Labour Code also provides for severance pay for employees with 5 years' service or more. Ontario also has provisions regarding severance pay in the case of group termination of employment.

In nine jurisdictions the legislation is part of the labour code: the Canada Labour Code, Part III, Divisions V.2, V.3 and V.4; the Alberta Employment Standards Act, Part III, Division 6; the British Columbia Employment Standards Act, Part 5; the Manitoba Employment Standards Act, Part III; the Newfoundland Labour Standards Act, Part VIII; the Ontario Employment Standards Act, 1974, Part XII; the Nova Scotia Labour Standards Code, sections 68-74; the Prince Edward Island Labour Act, Part III; and the Saskatchewan Labour Standards Act (1977), Part VII. The provisions in Québec governing individual notice are contained in the Act respecting labour standards and the Civil Code; notice of group termination requirements are laid down in Section 45 of the Manpower Vocational Training and Qualification Act and a general regulation made under it.

The reference charts which follow in this section give the length of the notice required by "termination of employment" provisions under federal and provincial legislation.

FEDERAL

Individual Notice

Employees who have been continuously employed for three months or more are entitled to two weeks' notice of termination of employment or layoff. Regulations define circumstances in which notice is not required for layoff. In lieu of notice, the employer may pay an amount equivalent to two weeks' wages at the employee's regular rate for his regular hours of work.

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[1]The Employment Standards Act of New Brunswick, awaiting proclamation, will provide for both individual and group notice of termination.

The requirement to give notice does not apply when an employee is dismissed for just cause.

Where an employee continues to be employed for more than two weeks after the termination date specified in the notice, his employment must not be terminated, except with his written consent, unless notice is given again.

The code takes into account the bumping provisions that may be contained in collective agreements. Where a collective agreement authorizes that an employee whose position becomes redundant may replace another employee on the basis of seniority, the notice requirement may be met either by giving at least two weeks' notice to the union and the employee and posting a copy of the notice in a conspicuous place in the establishment, or by giving pay in lieu of notice to the employee whose employment is actually terminated.

After notice has been given, wages and other conditions of employment must not be altered, except with the written consent of the employee. During the notice period the employee must be paid his regular wages for his regular hours of work.

Group Notice

Effective October 1, 1982, the Labour Adjustment Benefits Act (S.C. 1980-81-82, c.89), in force since May 1, 1982, will bring about many changes to the Canada Labour Code. That which follows takes into account those modifications.

The Code requires that the employer give 16 weeks' notice of group dismissals to the minister of labour, in addition to any individual notice required, where the employment of 50 or more persons is to be terminated simultaneously or within a four-week period. Regulations may be made providing for advance notice where a lesser number of employees is being dismissed.

For purposes of group dismissals, layoff is equivalent to termination, except in circumstances determined by regulations.

Superintendents and managerial employees are to be included in calculating the number of employees being dismissed. Regulations exclude employees from the group notice provisions when they are employed on a seasonal or irregular basis or under an arrangement whereby the employee may choose to work or not when requested to do so.

Advance notice must be given in writing to the minister of labour, with copies to the Commission of Employment and Immigration, to the minister of employment and immigration and to any trade union involved. Where there is no union, notice must be given to the employees being dismissed, either in writing or by posting a notice in the establishment.

The notice must state the anticipated date of dismissal and the estimated number of employees in each occupational classification whose employment is to be terminated. The regulations require that the notice also include the name of the employer and any trade union acting as bargaining agent, the location at which termination is to take place, the nature of the industry, and the reason for termination. In addition, the employer and trade union must provide the Employment and Immigration Department with whatever information it requests in order to assist the employees. Both are required to co-operate with that department in order to facilitate the re-employment of the dismissed employees.

The employer must also establish a joint planning committee consisting of at least four members, at least half of which are representatives of the redundant employees. The object of this committee is to develop an adjustment program to eliminate the necessity for the termination of employment or to minimize the impact of such termination on the redundant employees, and to assist those employees in obtaining other employment. The employer and any trade union or redundant employees who appointed the members of the committee must co-operate with and assist the committee in developing an adjustment program. Accordingly, they must, at the request of any member of the committee, provide forthwith such personal information relating to any redundant employee as the committee may reasonably require for its work.

An inspector may monitor and, on request, assist in the establishment and operation of a joint planning committee, and he may attend any meeting of the committee as an observer.

If, having completed the development of an adjustment program, the totality of the members representing one faction of the committee is not satisfied with the program or any part of it; or not having completed developing an adjustment program, these members can unanimously apply to the minister for the appointment of an arbitrator to assist the committee in the development of a program, and to resolve any matters in dispute. An arbitrator may not, however, review the decision of the employer to terminate the employment of redundant employees, or delay the termination of their employment.

On completion of an adjustment program, the employer must implement it, and anyone concerned must co-operate with and assist him in implementing it.

The requirement to give group notice may be waived for an industrial establishment or specified group of employees by an order of the minister of labour if he is satisfied that the requirement would be unduly prejudicial to the interests of the employees or the operation of the establishment, or that the requirement would not be necessary because similar measures to those provided for in the code had been taken for the assistance of redundant employees.

A Canada Labour Standards Regulation defines industrial establishment for the purposes of group notice as any branch of an employer's business located in a regional division established under the Unemployment

Insurance Act. Schedules outline what constitutes an industrial establishment for the CNR, CPR, Air Canada and CP Air.

Severance Pay

The Canada Labour Code requires an employer to give an employee who has completed 12 years of continuous employment severance pay upon termination of employment by the employer. The severance pay must be equivalent to two days' wages at his regular rate of wages for his regular hours of work for each completed year of employment that is within the term of his continuous employment by the employer, or five days wages at his regular rate for his regular hours of work, whichever is greater.

The employer is exempt from the severance pay provisions if, either before or immediately upon termination, the employee is entitled to a pension under a pension plan contributed to by the employer and registered in accordance with the Pension Benefits Standards Act. By the same token, the severance pay provisions do not apply if the employee is similarly entitled to a pension under the Old Age Security Act, or to a retirement pension under the Canada Pension Plan or the Québec Pension Plan.

Special Provisions

The Canada Labour Standards Regulations define circumstances under which layoff is not considered termination of employment for purposes of individual and group notice and severance pay.

Notice is not required where the layoff is the result of a strike or lockout, is for a term of three months or less, or is made pursuant to the provision of a collective agreement.

In certain circumstances, a layoff of more than three months also does not constitute termination, where the employer notifies the employee that he will be recalled on a fixed date or within a fixed period of up to six months and the employee is actually so recalled; or where, during layoff, the employee continues to receive payments from the employer in amounts mutually agreed upon, the employer continues to make payments to a pension plan, or the employee receives supplementary employment benefits or is entitled to do so.

Continuity for the purposes of group and individual termination, severance pay and maternity leave is not to be broken where an employee is absent from work because of a layoff that does not constitute termination or where the absence is permitted or condoned by the employer.

If a collective agreement contains provisions which specify procedures by which may be negociated and finally settled any matters relating to a collective dismissal, or which are intended to minimize the impact of such a dismissal and to assist the redundant employees in obtaining other employment, the provisions of the code do not apply.

The provisions of the code establishing a joint planning committee do not apply in circumstances where the collective dismissal is the result of technological change as defined by the code.

ALBERTA

Individual Termination

The Employment Standards Act of Alberta requires employers to give employees written notice of termination, or pay in lieu of notice.

These requirements do not apply if the employee has been employed for less than three months; is employed in the construction industry other than as an office employee at the site; is employed for a definite term or task for a period not exceeding 12 months; is temporarily laid off or the employment is terminated for just cause; is laid off after refusing an offer of reasonable alternative work or refusing work made available through a seniority system; is on strike or locked out; is laid off and does not return to work within seven days after being requested to do so by his employer; is employed under an arrangement whereby he may elect to work or not to work for a temporary period; is at the age of retirement according to the established practice of the employer; is employed under a contract that has become impossible to perform or is frustrated by a fortuitous or unforeseeable event; is employed on a seasonal basis or is a brush clearing employee.

A temporary layoff is defined as a layoff of less than 60 days, or more where the employee continues to receive wages or payment in lieu of wages in an amount agreed to by the employer and the employee, or the employer makes payments to a pension, employee insurance or similar plan.

General Provisions

After notice has been given, wages and other conditions of employment must not be altered. During the notice period the employee must be paid his regular wages for his regular hours of work.

Successive periods of employment with the same employer may be accumulated unless there has been a break of more than three months between employment.

Where an employee continues to be employed after the expiry of the notice period, the notice has no effect.

BRITISH COLUMBIA

Individual Notice

In British Columbia, an employer is required to give two weeks' written notice where an employee has completed at least six consecutive

months of employment; after a period of employment of three consecutive years, one additional week's notice; and for each subsequent year an additional week's notice, up to a maximum of eight weeks.

In lieu of notice the employer may pay the employee severance pay equal to the period of notice required. Severance pay is defined as the greater of an employee's normal weekly wages or average weekly wages within the last eight weeks in which he earned wages.

These requirements do not apply when an employee has been discharged for just cause; is employed under an arrangement whereby he may elect to work or not to work for a temporary period; is employed for a definite term or to perform specific work which is to be completed within 12 months or less; is temporarily laid off; has been offered and has refused reasonable alternative employment, or is employed under a contract of employment that is impossible to perform due to an unforeseeable event or circumstance.

General Provisions

After notice has been given, an employer must not alter wages and conditions of employment without the consent of the employee.

On termination the employer must pay the employee all wages owing to him without delay. Where an employee is paid on a salaried basis the employer must pay the employee not less than the hourly equivalent of his salary for every hour of work for which he has not already been paid.

If a person continues to be employed after the expiry of the notice period, the notice has no effect.

Employees hired for a definite term to perform work which is to be completed within 12 months and continue to be employed for three months or more after the completion of the term or task are to be considered regular employees, and are entitled to notice of termination. The period of employment is deemed to have commenced at the beginning of the definite term or task.

If an employer temporarily lays off an employee and the layoff exceeds the period defined, the employee must be given severance pay in lieu of notice as if his employment had been terminated without notice when he was first laid off. "Temporary layoff" is defined as: a layoff of not more than 13 weeks in any period of 20 consecutive weeks, or a layoff of more than 13 weeks where the employer recalls the employee within a time fixed by the director of employment standards.

If an employer has substantially altered a condition of employment and the Employment Standards Board is satisfied that the purpose was to discourage the employee from continuing in the employment, the board may declare that the employer has terminated the employee.

MANITOBA

Individual Notice

In Manitoba, an employer or employee in any work or occupation, except farming, must give notice of termination of employment and, except in the case of a person paid less frequently than once a month, the period of notice required is one regular pay period. If the employees are paid less often than once a month, reasonable notice must be given. Notice of termination is not required if an employee is hired for a fixed period unless the employment is, by mutual agreement, continued after the end of the period. Notice is also not required if the employment of an individual is terminated due to violent or improper conduct.

The requirements for giving notice do not apply if a general custom or practice prevails in an industry which is contrary to the terms of the act or where different conditions concerning notice are established by collective agreement. If employment is terminated during an employee's first two weeks in a job, notice is not required unless the employer and employee have agreed in writing that the requirements of the act will apply.

An employer is permitted to establish a practice whereby employment may be terminated with a shorter period of notice than that provided for in the act, and the practice is considered to have been established one month after he has notified each of his employees in writing of the practice and has posted a notice setting out the terms of the practice. Each new employee must be informed of the practice by written notice at the time employment begins.

Complaints of failure to give the required notice may be made in writing to the minister of labour within a period of 90 days after employment is terminated. The minister may himself inquire into it or may refer it to the Labour Board for investigation. A procedure is laid down in the act for the settlement of such complaints.

Group Notice

Manitoba requires that advance notice of group dismissals where 50 or more employees are to be dismissed within a period of four weeks be given in writing to the minister of labour. Copies must be sent to the certified or recognized union. Where there is no union, the notice must be given to the employees being dismissed, either in writing or by posting a notice in the establishment. The written notice must state the anticipated date of dismissal and the estimated number of employees in each occupational classification whose employment will be terminated. Regulations may require that the notice include additional information. In addition, there must be co-operation with the minister to re-establish the employment of the dismissed employees.

Notice for group termination does not apply when the employees are employed for a definite term or task of 12 months or less; laid off

according to regulations*, or after refusing reasonable alternate work offered by the employer or by a seniority system; laid off and do not return to work within a reasonable time after being requested to do so by their employer; on strike or locked out; employed in the construction industry; guilty of wilful misconduct, disobedience or neglect of duty; employed under contract that is or has become impossible to perform or is frustrated by a fortuitous or unforeseeable event; employed under an arrangement whereby they may elect to work or not to work for a temporary period; or at the age of retirement according to the established practice of the employer. The minister may, by order, make exemptions to the provisions of the act dealing with group termination, if the application of the provisions is unduly prejudicial to the interests of the employees or employer or if it would be seriously detrimental to the industrial establishment.

After notice has been given, wages and other conditions of employment must not be altered, except with the written consent of the employee or if there is a collective agreement in force which authorizes changes or variations.

The employer may terminate the employment of an employee without notice if he notifies the employee in writing to this effect and pays him the equivalent of the wages he would have earned for working regular hours during the notice period, as well as any unpaid vacation pay to which the employee is entitled.

Any employee who wishes to terminate his employment prior to the expiration of the period of notice must give written notice of such action to his employer.

The employer and the trade union representing the employees affected by the termination must co-operate with the minister in any action or program aimed at facilitating the re-establishment in employment of the employees involved.

NEW BRUNSWICK

At the time of printing, New Brunswick has not yet proclaimed its new Employment Standards Act. Important changes will come into effect with this act, since the Minimum Employment Standards Act, still in force until the proclamation of the other, provides for no notice of termination of employment. Expecting an imminent proclamation (informed circles say end of October) we present the analysis of the pertinent provisions of Bill 77, as passed.

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*A layoff is not considered a termination of employment if (1) the industry is seasonal in nature; or (2) the employee is laid off for a reasonable period, then recalled; or (3) in a non-seasonal industry, the layoff is of reasonable length, the employee is told the date on which he is to be recalled, and he is recalled on or before that date.

Individual Notice

Except in certain circumstances, an employer cannot terminate or lay off an employee without having given at least two weeks notice in writing, if the employee has been employed for a continuous period of six months or more but less than five years, and of four weeks if more than five years.

An employer may, however, lay off an employee without notice where there is a lack of work due to any reason unforeseen by the employer, for as long as the lack of work persists, and for any other reason, for a period of up to six days. An employer may also terminate or lay off without notice an employee who has refused reasonable alternate work offered by the employer as an alternative to being terminated or laid off.

The requirement to give notice does not apply when the termination of employment is due to the completion of a definite task not exceeding 12 months or of a definite term, unless the employee is employed for a period of three months beyond the date of expiry of the term; when an employee retires; if he works in the construction industry; or when the termination or lay off results from the normal seasonal reduction, closure or suspension of an operation.

Notice of termination given has no effect if the employee continues to work for the employer for one month or more beyond the end of the notice period.

The requirement to give notice of termination of employment applies only where employees are not covered by a collective agreement.

Group Notice

Where employees are covered by a collective agreement, and in addition to and notwithstanding any provision contained in it, an employer cannot terminate or lay off permanently in a four week period more than 25 employees representing at least 25 per cent of the employer's work force, without first having given to the employees' bargaining agent and to the minister of labour and manpower at least four weeks' notice. A copy of the notice must be posted so as to be available for the information of all employees.

An employer can, however, lay off without notice a group of employees if there is a lack of work due to any reason unforeseen by the employer, for as long as the lack of work persists and for any other reason, for a period of up to six days.

The requirement to give group notice does not apply if the termination is due to the completion of a definite assignment that the employee was hired to perform over a period not exceeding 12 months; if the termination or lay off results from the normal seasonal reduction, closure or suspension of an operation; if an employee retires; or if an employee works in the construction industry.

General Provisions

The employer may terminate the employment of an employee without giving proper notice upon payment, in lieu of notice, of an amount equal to the wages the employee would have earned during the notice period provided. If an employer defaults from giving proper notice, he is liable to the employee for the wages he would have earned during the notice period.

NEWFOUNDLAND

Individual Notice

In Newfoundland, both the employer and the employee are required to give notice of termination of employment.

The requirement for giving notice does not apply if a period of notice of termination is provided for in a collective agreement within the meaning of The Labour Relations Act, 1977, or in a written contract of service between the employer and employee. This exception applies only if the period of notice is the same for employers and employees.

Notice by the employer is not necessary when the employee has wilfully refused to obey a lawful instruction of the employer or has committed misconduct; when the employer pays to the employee wages equal to the normal wages covering the period of notice; when the employee is laid off for a period not exceeding one week; when the employee is employed for a firm non-renewable term which does not exceed 12 months; when the employee rejects an offer by the employer of reasonable alternative employment; when a fortuitous or unforeseeable event occurs; when the employee has reached the age of retirement, or when the contract of service between the employer and the employee has subsisted for less than one month.

There are also circumstances where notice by the employee is unnecessary: if the employer has mistreated the employee, or if the employee pays to the employer an amount equal to the amount that he would earn under the contract of service covering the period of notice, or if the employee is employed for a firm non-renewable term which does not exceed 12 months, and if the contract of service between the employee and the employer has subsisted less than one month.

Provisions regarding individual notice of termination of employment do not apply to the construction industry.

Group Notice

Notice of group termination must be given to each employee when 50 or more employees are to be discharged or laid off within a four week period. The notice period varies with the number of employees being dismissed. The minister of labour must be informed in writing of any group notice.

If the employer fails to give the required notice or to notify the minister, the employer must not take any action to terminate the services of the employees.

This requirement does not apply in respect of employees whose contracts of service are for less than one month.

Notice of group termination does not apply to a contract of service that is or has become impossible to perform or is frustrated by a fortuitous or unforeseeable event; or after an employee has refused reasonable alternative work offered by the employer or a seniority system; or has been laid off and does not return to work within a reasonable time after being requested to do so by his employer; or is on strike or locked out; or is employed in the construction industry, logging or fishing; or is a specified seasonal employee; or is employed under an arrangement whereby he may elect to work or not to work for a temporary period; or is at the age of retirement according to the established practice of the employer.

General Provisions

A notice has no effect if the contract of service continues beyond the period of expiry specified, and must not include any period of vacation owing to an employee.

Any notice of termination may be made conditional upon the happening of a future event.

NOVA SCOTIA

Individual Notice

In Nova Scotia, the code forbids an employer to discharge or lay off an employee who has been employed for three months or more, without first giving him written notice in case of either individual or group termination.

An employee employed for three months or more must also give his employer notice before quitting his job unless the employer has been guilty of a breach of the terms and conditions of employment. The notice period depends upon the length of employment:

3 months to 2 years . . . 1 week
2 years or more . . . . . 2 weeks

Group Notice

Notice of group termination must be given to each employee affected where ten or more employees are to be discharged or laid off during a period of four weeks or less. The notice period varies with the number of employees being dismissed. The minister of labour must be informed in writing of any group notice.

General Provisions

If a person continues to be employed after the expiry of the notice for a period exceeding the length of notice, he must be given notice again before his employment may be terminated.

Successive periods of employment may be accumulated unless there has been a break of more than 13 weeks in employment, in which case the last period of employment is counted.

An employer must not alter wages and conditions of employment once notice is given, whether by the employer or employee, and must, upon the expiry of the notice, pay the employee all pay to which he is entitled.

Notice may be made conditional upon the happening of a future event, if the required notice period is observed.

An employer may terminate an employee's employment immediately upon giving notice if he gives the employee pay in lieu of notice. This pay must be equivalent to the amount the employee would have earned at his regular rate in a normal, non-overtime workweek during the required notice period.

As already mentioned, notice is required in case of layoff. The requirement does not apply where a person is laid off for six consecutive days or less, or in circumstances defined by regulations. An employee who is not entitled to notice because of the duration of his layoff, and whose employment is subsequently terminated (by continued layoff or otherwise), must be given pay in lieu of notice as if his employment had been terminated without notice when he was first laid off.

The requirement to give notice does not apply where the employee has been guilty of willful misconduct or disobedience, or willful neglect of duty that has not been condoned by the employer.

Persons employed for a definite term or task for a period of 12 months or less are not entitled to notice. However, if the person continues to be employed for three months or more after the completion of his term or task, he is to be considered a regular employee and therefore entitled to notice. His period of employment is deemed to begin at the commencement of the term or task.

In addition, persons discharged or laid off for any reason beyond the control of the employer are not entitled to notice if the employer has exercised due diligence to foresee and avoid the cause. Among these reasons are labour disputes, destruction of plant or machinery, unavailability of materials, cancellation or lack of orders, and actions of government authority.

Excluded also are persons who have been offered reasonable alternate employment by the employer or who have reached retirement age according to the established practice of the employer. Employees in the construction industry are excluded from the requirement both to receive and to give notice. Furthermore, regulations may exempt persons employed in any activity, business, work, trade, occupational profession or any part of these.

The length of notice does not include any week of vacation unless the employee agrees to take his vacation during the notice period.

ONTARIO

Individual Notice

In Ontario, an employer is required to give notice in writing to an employee whose employment is to be terminated, provided the employee has completed three months' service or more and the length of notice varies with the period of employment.

A period of employment constitutes the period between the time employment first began and the time that notice was or should have been given. If an employee who has received proper notice has been offered temporary work for a period not exceeding 13 weeks following the date of expiry of the notice of termination of employment, this period of temporary work is added. Successive periods of employment may be accumulated, unless there has been a break of more than 13 weeks in employment. In such a case, the period of last employment constitutes the length of service for purposes of the notice.

Group Notice

The group notice requirement applies when an employer plans to terminate the employment of 50 or more persons within four weeks or less. The length of notice is related to the number of workers involved.

Where not more than 10 per cent of the persons employed in an establishment are to be dismissed in a four-week period, and these total 50 or more persons, the requirement for notice in the case of individual dismissal applies, unless the termination is caused by the permanent discontinuance of all or part of the employer's business.

Persons who have been employed for less than three months are not to be counted in determining the number employed in an establishment and are not entitled to notice.

In the case of a collective dismissal, the employer is required to co-operate with the minister during the period of notice in any action or program designed to re-establish the dismissed workers in employment.

Employees who have received notice of a collective termination of employment are required to give written notice to their employer that they intend to quit their jobs. One week's notice is obligatory for an employee who has worked for the employer for more than three months but less than two years, and two weeks' notice for one who has been employed for two years or more.

Severance pay, in the amount of one week's regular salary for each year of employment to a maximum of 26 years, is payable to every employee having accumulated at least five years' service when the employer terminates the employment of 50 employees or more within a period of six months.

General Provisions

A number of provisions are applicable to both individual and group notice.

Where notice is given, employment must continue until the notice has expired. The length of notice may not include any week of vacation, unless the person, after receiving the notice, agrees to take his vacation during the notice period. An employee who has been given proper notice may be given temporary work during the 13 week period after the date of expiry of the notice without requiring a further notice of termination.

Under the legislation, the employer is required to give the prescribed notice or to pay the wage or salary equivalent. The employer terminating the employment of an employee without notice must notify him in writing to this effect and pay him the equivalent of the wages he would have earned for working regular hours during the notice period. Compensation payable in lieu of notice is deemed wages for purposes of the act.

The employer is forbidden to alter the wage rate or any other term or condition of employment of a person to whom notice has been given, and upon the expiry of the notice must pay him the wages and vacation pay to which he is entitled.

The act covers layoffs other than "temporary layoffs", as defined. Notice of indefinite layoff is deemed to be notice of termination of employment.

A "temporary layoff" is defined as: (1) a layoff of not more than 13 weeks in any period of 20 consecutive weeks; (2) a layoff of more than 13 weeks where (a) the person continues to receive payments from the employer, (b) the employer continues to make payments for the benefit of the person laid off under a bona fide retirement or pension plan or under a bona fide group or employee insurance plan, (c) the person laid off receives supplementary unemployment benefits, or (d) he is entitled to receive supplementary unemployment benefits, but does not receive them because he is employed elsewhere during the layoff; or (3) a layoff of more than 13 weeks where the employer recalls the person within the time fixed by the director of employment standards.

The notice provisions do not apply to a person who is laid off or whose employment is terminated during or as a result of a strike or lockout at his place of work, or who has been employed for less than three months. Also exempted from the requirement to receive notice are: (1) a person who is laid off after (a) refusing an offer by his employer of reasonable alternate work, or (b) refusing alternate work made available to him through a seniority system; (2) a person on layoff who does not return to work within a reasonable time after being requested to do so by his employer; (3) a person employed under an arrangement such that he may elect to work or not for a temporary period when requested to do so; and (4) a person who has reached the age of retirement according to the established practice of the employer.

Employers engaged in certain shipbuilding activities are exempt from the notice of termination requirement in respect of any employee for whom supplementary unemployment benefits are provided, if the employee agrees to the exemption.

An employer is not required to give notice to a person employed for a definite term or task. However, if a term or task exceeds a period of 12 months or the person continues to be employed for three months or more after completion of the term or task, the notice provisions apply.

A person who has been guilty of willful misconduct, disobedience or willful neglect of duty that has not been condoned by the employer is not entitled to notice, and notice is not required where a contract of employment becomes impossible to perform or is frustrated by a fortuitous or unforeseeable event or circumstance.

Any notice of termination may be made conditional upon the happening of a future event.

An employee may terminate his employment forthwith upon notice if his employer has been guilty of a breach of the terms and conditions of employment.

The construction industry has been exempted from the requirement to give notice. Other employers are covered, including the Crown and its agencies. Those entitled to notice include professional employees, teachers, commercial fishermen, domestic servants, farm workers and salesmen.

The regulations take into account the bumping provisions that may be permitted by the terms of employment. Where the terms of employment authorize that an employee whose position becomes redundant may replace another employee on the basis of seniority, the notice requirement may be met by posting a notice containing the salient facts in a conspicuous place in the establishment.

PRINCE EDWARD ISLAND

In Prince Edward Island an employer is forbidden to discharge or lay off an employee who has been in his service continuously for more than three months without giving him at least one week's written notice. On termination the employee is entitled to his actual earnings during the week or his normal wages for one week, exclusive of overtime, whichever amount is greater. If notice is not given, the employee is entitled to his normal wages for one week, exclusive of overtime.

The Prince Edward Island Labour Act also requires an employee with three months' service or more to give his employer at least one week's notice of his intention to terminate his employment.

The requirement to give notice applies to all employees and their employers except farm workers, construction workers, tourist establishments operating less than six months in a year, and students employed during the period May 1 to October 1. In other circumstances notice is not required for dismissal for just cause, including shortage of work.

Any provision in a contract of service or recognized custom which grants more favourable termination provisions shall prevail over those provided for in the act.

There is no requirement in legislation for group notice of termination of employment.

QUEBEC

Individual Notice

The Act respecting labour standards provides that except where a contract is for a fixed term or for a specific undertaking, an employee who is credited with three months of uninterrupted service with the same employer is entitled to a prior notice in writing before being dismissed, or being laid off for not less than six months.

This prior notice must be one week if the employee is credited with under one year of uninterrupted service, two weeks if he is credited with one to five years of service, four weeks if he is credited with five to ten years, and eight weeks if he is credited with ten years or over. These provisions do not apply in the case of executive officers.

Except in the case of grave fault of the employee or of a fortuitous event, an employer who fails to give prior notice must pay the employee, at the time of termination, an amount equal to the employee's wages for a period equal to the period of the prior notice.

At the expiry of the contract of employment, an employee may require his employer to issue to him a work certificate in which the following information, and only the following information, should appear: the nature and the duration of his employment, the dates on which his

employment began and terminated, and the name and address of the employer. The certificate must not mention the quality of the work or the conduct of the employee.

In Québec, Section 1668 of the Civil Code requires a domestic, servant, journeyman or labourer to give one week's notice of termination of employment if hired by the week, two weeks' notice if by the month, and a month's notice if by the year. The employer must give similar notice when an employee's services are no longer required.

Some decrees under the Québec Collective Agreement Decrees Act also require the giving of notice of termination of employment.

Group Notice

Under section 45 of the Manpower Vocational Training and Qualification Act, an employer who, for technological or economic reasons, contemplates the dismissal of ten or more employees within a period of two months is required to give advance notice to the minister of labour and manpower.

"Employee" does not include a seasonal or casual worker or a director or officer of a corporation.

The requirement to give notice does not apply to an employer in the construction industry or to an employer carrying on an undertaking of a seasonal or intermittent nature. The legislation does not apply to an establishment involved in a strike or lockout.

Layoffs are included in the term "dismissal" but the employer does not have to give notice if he lays off employees for an indefinite period of time, unless the layoff will continue for more than six months.

Where a fortuitous or unforeseeable event prevents an employer from giving notice, he must inform the minister as soon as he is in a position to do so, and furnish proof that he was unable to comply with the law. The minister will then determine, in consultation with the employer, the period of notice that must be given.

The notice, which must be mailed by the employer to the Manpower Branch of the department, and which becomes effective on the date of mailing, is to contain: (a) name and address of the employer or establishment; (b) nature of the principal product or service; (c) names and addresses of associations of employees (unions); (d) reasons for the collective dismissal; (e) date on which the collective dismissal will be made; and (f) full name of each employee likely to be dismissed.

The legislation also requires the employer, at the request of the minister, to participate immediately in the establishment of a reclassification committee, whose task is to study and recommend practical measures for the re-establishment of the dismissed employees. The certified trade union, or the employees if there is no union, must be equally represented

on the committee. The employer must contribute funds to the committee to the extent agreed upon by the parties. The Manpower Branch of the department is responsible for the establishment and functioning of such committees.

The parties may, with the Minister's consent and subject to conditions laid down by him, establish a reclassification fund. If necessary, several employers and several certified trade unions may establish a joint fund.

SASKATCHEWAN

In Saskatchewan, except for just cause other than a shortage of work, an employer is forbidden to discharge or layoff without written notice an employee who has been in his service for three months.

On termination, the employee is entitled to his actual earnings during the period of notice or his normal wages for the period of notice, exclusive of overtime, whichever amount is greater. If notice is not given, the employee is entitled to his normal wages for the minimum required notice period, exclusive of overtime.

Should a provision in a contract of service, or a custom, entitle an employee to a greater period of notice of termination or more favourable compensation, the provision shall apply.

If an employee's wages vary from week to week, his normal weekly wage is to be obtained by averaging his earnings, exclusive of overtime, for the four-week period immediately preceding the date on which notice was given or, if no notice was given, the date of discharge or layoff. An employee must receive full pay from his employer within 14 days after the day on which his termination becomes effective.

The employer shall within 14 days, pay to the employee, in addition to all amounts due to him, his average wage for his period of employment with the employer. However, if the employee has at any time been entitled to take an annual holiday under any act, custom or agreement, or under his contract of service, the employer shall within 14 days pay the employee, in addition to all other amounts due to him, his average wage for his period of employment between the dates on which he became entitled to the last annual holiday that he was entitled to take and the date of the termination of employment.

The requirement to give notice applies to all employees and their employers except farm workers and domestic servants. Also excluded are ranching and market gardening employees, certain handicapped persons and employees employed in family undertakings.

There is no requirement for group notice of termination of employment in Saskatchewan.

11. NOTICE OF INDIVIDUAL TERMINATION OF EMPLOYMENT

Jurisdiction and Legislation	Notice Required	Application to Employers	Application to Employees
Federal Canada Labour Code	2 weeks	Employers not required to give notice to employees employed less than 3 months.	Employees not required to give notice.
Alberta Employment Standards Act	Where employed at least 3 months but less than 2 years: 7 days. Where employed 2 years or more: 14 days.	Employers not required to give notice to employees employed less than 3 months, seasonal employees, construction workers other than office employees at the site, brush clearing employees.	Employees not required to give notice.
British Columbia Employment Standards Act	Where employed at least 6 consecutive months: 2 weeks. After 3 consecutive years 3 weeks; thereafter one additional week for each additional year of employment up to a maximum of 8 weeks.	Employers not required to give notice to employees employed less than 6 consecutive months, B.C. Railway Company employees, construction workers, professionals, certain salesmen, students in certain approved work programs, students employed at school where they are enrolled, persons employed in a private residence solely to attend to a child, a disabled, infirm or other person, persons receiving income assistance while participating in an employment program, artists, musicians, performers or actors, student nurses and disabled employees of a charity receiving therapy or engaged in a therapeutic work program.	Employees not required to give notice.

Jurisdiction and Legislation	Notice Required	Application to Employers	Application to Employees
Manitoba Employment Standards Act	Where employed for more than two weeks: one pay period.	Employers not required to give notice to employees employed less than 2 weeks, professionals and students in professional training, domestic and agricultural workers, persons employed in fishing, fur farming, dairy farming and in rehabilitation or therapeutic employment.	Employees who are entitled to receive notice of termination are required to give notice.
Newfoundland Labour Standards Act	Where employed at least one month but less than two years: one week. Where employed two years or more: two weeks.	Employers of employees in the construction industry or in certain professions not required to give notice.	Construction industry and professional employees not required to give notice.
Nova Scotia Labour Standards Code	Where employed less than two years: one week. Where employed two years or more but less than five years: two weeks. Where employed more than five years but less than ten years: four weeks. Where employed ten years or more: eight weeks.	Employers not required to give notice to employees employed less than 3 months, teachers, construction workers, domestic workers, professionals or students in professional training, salesmen, agricultural workers, persons employed on fishing vessels.	Employees who are entitled to receive notice of termination are required to give notice.

Jurisdiction and Legislation	Notice Required	Application to Employers	Application to Employees
Ontario Employment Standards Act	Where employed less than two years: one week. Where employed two years or more but less than five years: two weeks. Where employed five years or more but less than ten years: four weeks. Where employed ten years or more: eight weeks.	Employers not required to give notice to employees employed less than 3 months, certain employees in the shipbuilding industry, inmates of correctional institutions, offenders performing work under court orders, students in work experience programs.	Employees not required to give notice, only if they wish to leave after one week if employed less than two years and two weeks if employed more than two, after having received a notice of termination of employment from their employer. This provision does not apply if the employer is guilty of a breach of the terms and conditions of employment.
Prince Edward Island Labour Act	Where employed for more than three months: one week.	Employers not required to give notice to farm labourers, employees of tourist establishments operating less than six months in any year, students employed between May and October, persons employed in the construction of roads, streets, sewers, pipelines, tunnels, bridges, and other such works.	Employees who are entitled to notice of termination must give notice.
Québec Civil Code Labour Standards Act	Under the Civil Code notice must be given: where an employee is employed by the week: one week. Where an employee is employed by the month: two weeks. Where an employee is employed by the year: one month. Under the Labour Standards Act notice must be given where an	The Civil Code applies to employers of all employees. The notice period required of employers by the Labour Standards Act does not apply to certain agricultural workers,	All employees are required to give the notice set out in the code. The Labour Standards Act does not require employees to give notice.

Jurisdiction and Legislation	Notice Required	Application to Employers	Application to Employees
Québec Civil Code Labour Standards Act (continued)	employee has been employed for at least three months and less than one year: one week. Where an employee has been employed for at least one year and less than five years: two weeks. Where an employee has been employed for at least five years and less than ten years: four weeks. Where an employee has been employed for at least ten years: eight weeks.	employees whose main duty is the care of a child or a disabled, aged or handicapped person if the work does not serve to procure a profit to the employer, workers in the construction industry, students enrolled in job initiation programs, certain contract workers; executive officers.	
Saskatchewan Labour Standards Act	Where employed for at least three months and less than one year: one week. Where employed for at least one year and less than three years: two weeks. Where employed for at least three years and less than five years: four weeks. Where employed for at least five years and less than ten years: six weeks. Where employed for at least ten years: eight weeks.	Employers not required to give notice to employees employed in farming, ranching or market gardening, domestic workers or handicapped employees of sheltered workshops and work activity centres.	Employees not required to give notice.

12. NOTICE OF GROUP TERMINATION OF EMPLOYMENT*

Jurisdiction and legislation	Number of employees	Notice required	Copy of notice to	Other requirements
Federal Canada Labour Code and Canada Labour Standards Regulations	50-100 101-300 over 300 who have completed 3 consecutive months of continuous employment	8 weeks 12 weeks 16 weeks Notice in writing is given to minister of labour.	1. Minister of employment and immigration 2. CEIC 3. trade union certified to represent the employees as bargaining agent 4. any employee not represented by a trade union or posted by the employer in a conspicious place of the industrial establishment	Employer must co-operate with CEIC to facilitate re-establishment in employment. Employer responsible for establishing a joint planning committee.
Manitoba Employment Standards Act[1]	50-100 101-300 over 300	8 weeks 12 weeks 16 weeks Notice in writing to minister of labour.	1. any trade union certified to represent the employees, or recognized by the employer as bargaining agent 2. individual employees not represented by a union or posted by the employer in a conspicious place in the establishment	Employer must co-operate with minister in any action or program aimed at facilitating re-establishment in employment. After notice is given, he may not change conditions of employment of wage rates except with written consent of employees or if a collective agreement authorizes the change. Employee who wishes to terminate employment before expiry of notice must notify the employer in writing.

*Alberta, British Columbia, New Brunswick, Prince Edward Island, Saskatchewan, the Northwest Territory and the Yukon Territory have no provisions regarding notice of group termination employment.

Jurisdiction and legislation	Number of employees	Notice required	Copy of notice to	Other requirements
Newfoundland Labour Standards Act	50-199 200-499 500 or more whose contracts of service have subsisted for more than one month[2]	8 weeks 12 weeks 16 weeks Notice in writing to each employee whose employment is to be terminated.	Minister of labour and manpower must be notified and informed of the reasons for termination.	Where an employer fails to give the required notice to individual employees and to the minister within the time prescribed, no action may be taken by the employer to terminate the services of the employees.
Nova Scotia Labour Standards Code	10-99 100-299 300 or more whose period of employment is more than 3 months[3]	8 weeks 12 weeks 16 weeks Notice in writing to each person whose employment is to be terminated.	Minister of labour must be informed in writing of any notice given.	After the notice is given, the employer may not alter the rates of wages or other conditions of employment of a person to whom notice has been given.

Jurisdiction and legislation	Number of employees	Notice required	Copy of notice to	Other requirements
Ontario Termination of Employment Regulation under the Employment Standards Act, 1974	50-199 200-499 500 or more who have been employed for more than 3 months[4]	8 weeks 12 weeks 16 weeks Notice in writing to each person whose employment is to be terminated.	Minister of labour must be notified in writing.	Where bumping is permitted by the terms of employment, the employer may post a notice in a conspicious place listing the person to be terminated, his/her seniority and job description and setting forth the date of termination. The posting of the notice is considered a notice of termination as of the day it is posted.
Québec Manpower Vocational Training and Qualification Act and Regulation	10-99 100-299 300 or more	2 months 3 months 4 months to the minister of labour and manpower	The notice must be posted at the Manpower Branch.	Upon request of the minister, an employer must immediately take part in the establishment of a committee on reclassification of employees. No employer shall make a collective dismissal during the delay which follows the notice.

[1]The Act lists several exclusions including employees on strike or locked out, and those employed in the construction industry.

[2]The provisions do not apply to employees whose contracts of service have subsisted for less than one month. Other exclusions are listed under the Labour Standards Regulations, 1980.

[3]The provisions do not apply to employees whose period of employment is less than 3 months. Other exclusions are listed in the Code.

[4]The provisions do not apply to a person who has been employed for less than 3 months. Other exclusions are listed in the regulations.

MATERNITY PROTECTION

Legislation to ensure the health and job security of women working before and after childbirth is in force in the federal jurisdiction and in all the provinces. Only the two territories have no maternity leave provisions.

The federal maternity leave provisions are contained in the Canada Labour Code, Part III, Division V.1. The Alberta Employment Standards Act, Part 3, Divison 7 covers this subject. Part 7 of the Employment Standards Act in British Columbia deals with maternity provisions. The Manitoba provisions are contained in subsection 34.1 of the Employment Standards Act. The New Brunswick provisions are sections 9-11 of the Minimum Employment Standards Act[1]. The Newfoundland Labour Standards Act covers maternity protection. Nova Scotia provisions are contained in sections 56 and 57 of the Labour Standards Code. The Ontario maternity protection provisions form Part XI of the Employment Standards Act, 1974. The Prince Edward Island provisions are contained in sections 67.1 to 67.5 of the Labour Act. In Québec, a regulation made pursuant to An Act respecting labour standards contains maternity protection provisions. Saskatchewan's provisions are contained in Part IV of the Labour Standards Act.

All the federal and provincial legislation provide for a period of leave which varies from 12 to 18 weeks. In most provinces, an employee is entitled to a maternity leave if she has been continuously employed by her employer for at least one year. All laws also require an employee to provide a medical certificate. Provisions are also made for exclusions and job security.

These provisions are shown more in detail in the tables below.

Paternity and Adoption Leave

Four provinces — Nova Scotia, Prince Edward Island, Québec and Saskatchewan -- have legislation dealing with paternity and/or adoption leave.

The Labour Standards Code in Nova Scotia requires an employer to grant an employee a leave of absence for the week in which the adoptive child comes into full care of the employee, and up to four additional weeks. The employer must grant this leave upon request of a female employee and receipt of a certificate from the minister of social services stating that a notice of proposed adoption of a child five years or younger has been filed.

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[1] In the Employment Standards Act, awaiting proclamation, maternity leave is provided for in sections 42 and following.

Under a new provision of the Prince Edward Island Labour Act, a female employee may request leave of absence without pay for the purpose of adoption of a child six years of age or younger. The leave may be for one week, or such additional weeks, up to five, as requested, beginning the week in which the adoptive child is placed in the care of the employee. The employee must provide the employer with a notice from the director of child welfare or from a child welfare agency of the proposed placement of a child.

In Québec, An Act respecting labour standards states that an employee may be absent from work, without pay, for two days at the birth or adoption of a child.

Upon written application, the Saskatchewan Labour Standards Act, provides that an employee who has worked for a continuous period of at least 12 months is entitled to adoption or paternity leave. Paternity leave consists of a period of not more than six weeks to be taken in any combination during the three month period before or after the estimated date of birth. Leave for adoption consists of a period of not more than six weeks commencing on the day the child becomes available for adoption.

The employee must notify the employer at least 14 days before returning to work. An employee who resumes work after leave must be reinstated in the position occupied before the leave or a comparable position with not less than the same wages and benefits.

13. MATERNITY PROTECTION AND PARENTAL LEAVE*

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Federal Canada Labour Code	If confinement occurs on or before date specified in certificate: 17 weeks. If confinement occurs after the date specified in certificate: 17 weeks + period equal to the period between date specified in certificate and actual date of delivery. Leave may commence no earlier than 11 weeks before expected date of birth and must end no later than 17 weeks following actual date of birth.	1 year of continuous service; application 4 weeks before commencement of leave; medical certificate.	Work, undertaking or business of a local or private nature in Yukon or Northwest Territories.	No dismissal solely because of pregnancy or application for leave. Reinstatement in same position or comparable with not less than same wages and benefits.	Pre- and post-leave employment deemed continuous for pensions and other benefits. Employment deemed continuous where business transferred from one employer to another.

*Yukon and the Northwest Territories have no legislated provisions on maternity leave.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Alberta Employment Standards Act	18 weeks Pre-natal: 12 weeks Post-natal: 6 weeks maximum; 3 weeks longer where recommended in medical certificate.	1 year of continuous service; notice 2 weeks before commencement of leave; medical certificate.	Farm labourers, domestic servants, and municipal police and public employees.	No dismissal of an employee who is entitled to leave solely because of pregnancy or because maternity leave has been taken. Reinstatement in same position or comparable with not less than same wages and benefits. Employee must give 2 weeks' notice of date of resumption of employment.	Employer may require employee to commence maternity leave (within the entitled period of leave) where pregnancy interferes with performance of duties.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
British Columbia Employment Standards Act and Regulation	18 weeks Pre-natal: 11 weeks Post-natal: 6 weeks up to 6 weeks longer where recommended in medical certificate.	Medical certificate	Specified professionals; certain categories of salesmen; students in certain approved work programs; students employed at school where they are enrolled; persons employed in a private residence solely to attend to a child, a disabled, infirm or other person; persons receiving income assistance while participating in an employment program; artists, musicians, performers or actors; student nurses	No notice or dismissal because of authorized leave or reasons arising out of it. Onus of proof on employer.	Pre- and post-leave employment deemed continuous for pensions and other benefits. Employer may require employee to commence maternity leave (within the entitled period of leave) where pregnancy interferes with performance of duties. If employer suspends or discontinues operations during employee's leave of absence and operations have not

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
British Columbia (continued)			and disabled employees of a charity receiving therapy or engaged in a therapeutic work program.		resumed at the time that the leave expires, the employment of that employee is deemed continuous upon resumption of operations.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Manitoba Employment Standards Act	If delivery occurs on or before date specified in certificate: 17 weeks. If delivery occurs after date mentioned in certificate: 17 weeks + period equal to period between date specified in certificate and actual date of delivery. Leave must commence no earlier than 11 weeks preceding the date specified in the certificate and must terminate no later than 17 weeks following actual date of delivery. Special: (where no application made) with medical certificate that employee is incapable of performing duties because of medical condition arising out of pregnancy: 11 weeks pre-natal leave and a further period. Total leave must not exceed 17 weeks.	1 year of continuous service; application 4 weeks before commencement of leave; medical certificate.		Employer may not dismiss or lay-off an employee who has completed 12 months of continuous employment solely because of pregnancy or application for leave. Reinstatement in same position or comparable with not less than same wages and benefits.	Pre- and post-leave employment deemed continuous for pensions and other benefits. Employment deemed continuous where business transferred.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
New Brunswick Minimum Employment Standards Act	12 weeks or longer to a maximum of 17 weeks Pre-natal: 6 weeks before expected date. Post-natal: 6 weeks.	Medical certificate.	Child employed by parent or guardian; domestic workers; farm workers.	No notice of dismissal for reasons arising out of leave until employee is absent for a maximum of 17 weeks.	Employer may not refuse to employ a female person who is pregnant for reasons arising from her pregnancy only.
Newfoundland Labour Standards Act	17 weeks Pre-natal: 11 weeks + period between estimated and actual date of birth. Post-natal: 6 weeks. Either or both periods may be reduced by consent and with medical certificate. Either or both periods may be increased by consent.	1 year of continuous service; medical certificate, notification to her employer of the estimated date of birth not later than 15 weeks before leave.	Domestic servants.	No dismissal because leave permitted by the act is taken. In case of dismissal onus of proof is on employer. Terms of contract of service are so resumed that conditions are not less beneficial.	Pre- and post-leave employment deemed continuous for pensions and other benefits.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Nova Scotia Labour Standards Code	17 weeks Pre-natal: At any time from 11 weeks before expected delivery. Compulsory at any time on request of employer where duties cannot reasonably be performed by pregnant women or performance materially affected by pregnancy. Post-natal: 6 weeks compulsory; shorter period on opinion of doctor.	1 year's service; medical certificate.	Domestic servants in private home, professionals, students engaged in professional training and teachers.	No dismissal because of pregnancy of an employer who is entitled to leave. Reinstatement with no loss of seniority or benefits.	Adoption leave up to 5 weeks may be granted to a female employee on receipt of a certificate.
Ontario Employment Standards Act, 1974	17 weeks minimum Pre-natal: voluntary 11 weeks before expected date or actual delivery. Employer may require employee to commence leave where duties cannot reasonably be performed by pregnant women or performance materially affected by pregnancy. Post-natal: 6 weeks, shorter period with medical certificate and one week's notice to employer.	Employed 1 year and 11 weeks before expected date of delivery; medical certificate with 2 weeks' notice.	Students in certain approved work programs, inmates of provincial correctional institutions, offenders performing work under court orders.	Termination or lay-off of employee entitled to leave is prohibited. Reinstatement at same wages and without loss of seniority or benefits accrued in same position or comparable work.	

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Prince Edward Island Labour Act	Seventeen weeks. Pre-natal: 11 weeks before the estimated date of birth. Post-natal: not less than six weeks after the actual date of birth, or a shorter period if the employee so requests.	Employed for 12 continuous months or more; application at least 4 weeks before the commencement of leave; medical certificate.	Farm labourers	Employer may not dismiss, lay off or suspend an employee by reason only of the fact that she is pregnant, is temporarily disabled because of pregnancy or has applied for maternity leave. Reinstatement in same position or in a comparable one with not less than the same wages and benefits. The employer is however not obliged to pay pension benefits in respect of any period maternity leave granted to an employee.	Adoption leave of up to six weeks may be granted to a female employee on receipt of a notice from the Director of Child Welfare or from a child welfare agency of the proposed placement of a child six years of age or younger. The employer may request that an employee begin her leave not more than three months before the estimated date of birth where, and the onus of proof is on the employer, the pregnancy would unreasonably interfere with the performance of her duties.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Québec An Act respecting labour standards and regulations.	18 weeks maximum. The leave may be divided at the employee's discretion before and after the expected date of birth; the leave may start only as of the beginning of the 16th week preceding the expected date of birth. If birth takes place after the expected date, the leave can be extended equal to the period of delay but not if the employee still has 2 weeks post-natal from the original leave. Maternity leave can be extended on medical certificate up to 6 weeks.	20 weeks of service for the same employer during the last 12 months. Notice: 3 weeks before commencement of leve; medical certificate.	Farm employees where no more than 3 employees are habitually employed, employees employed in a dwelling to care for a child or a disabled, handicapped or aged person, a student employed in a job induction program.	Employer must reinstate the employee in her former position with all rights and benefits. Employee must give 2 weeks' notice of date of resumption of employment, if she has decided to shorten her leave from the date specified in the notice to her employer of the expected date of return. An employee who does not return to work at the end of her maternity leave is presumed to have resigned. Dismissal, suspension or transfer of any employee because of pregnancy is prohibited.	Upon presentation of medical certificate, the employee may request to work at other tasks if the conditions of work are hazardous to her or the unborn child, or to the child she is breast-feeding. If the request is not granted, the employee may cease work immediately without loss of rights or benefits. The employee may not be required to recommence work until either she is reassigned or the delivery has occurred.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Québec (continued)					During the time when the employee is not working, her job must be kept available for her upon her return. As of the 6th week preceding the expected date of birth, the employer may require the pregnant employee to produce a written medical certificate. An employee may be absent from work, without pay, for 2 days at the birth or adoption of a child.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Saskatchewan Labour Standards Act	18 weeks Pre-natal: 12 weeks. Post-natal: 6 weeks - shorter period with permission of employer. A further 6 weeks with medical certificate giving bona fide reasons why employee is unable to return to work. Employer may require that employee commence maternity leave not more than 3 months before expected date of birth where pregnancy would interfere with performance of duties. Special: (where no application made) total leave: 14 weeks; not less than 6 weeks after birth.	1 year of continuous service; application 4 weeks before commencement; medical certificate.	Farming, ranching or market gardening.	No dismissal, lay-off suspension or discrimination solely because of pregnancy or application for leave. Onus of proof is on employer. Reinstatement in same or comparable position with no less than the same wages and benefits.	14 days notice of intention of resuming work to be given to employer. Upon written application, an employee who has worked continuously for 12 months is entitled to: (a) Paternity leave: 6 weeks maximum to be taken in any combination during 3 month period before or after estimated date of birth.

Jurisdiction & Legislation	Period of Leave	Requirements	Exclusions	Job Security	Other
Saskatchewan (continued)					(b) Adoption leave: 6 weeks maximum commencing on day child becomes available for adoption. 14 days notice before returning to work. Reinstatement in same position or comparable with not less than same wages and benefits.

LIST OF ACTS AND REGULATIONS

Federal

Canadian Human Rights Act (S.C. 1976-77, c.33; as am.)

Equal Wages Guidelines (SI/78-155)

Canada Labour Code (R.S.C. 1970, c.L-1, as am.)
- Canada Labour Standards Regulations (SOR/72-7; as am.)
- Minimum Hourly Wage Order 1980, (SOR/80-659)

Fair Wages and Hours of Labour Act (R.S.C. 1970, c.L-3)
- Fair Wages and Hours of Labour Regulations (SOR/67-95; as am.)

Holidays Act (R.S.C. 1970, c.H-7)

Labour Adjustment Benefits Act (S.C. 1980-81-82, c.89)

Alberta

The Employment Standards Act (S.A. 1980, c.62)

- Employment Standards Act Regulations
- Minimum Wage Regulation (145/81)

- Hours of Work and Overtime Pay Regulations
- (Ambulance Drivers and Attendants) A. Reg. 77/81)
- (Field Servies) (A. Reg. 73/81)
- (Highway and Rail Construction and Brush Clearing) (A. Reg. 79/81)
- (Irrigation Districts) (A. Reg. 75/81)
- (Nursery Industry) (A. Reg. 76/81)
- (Oilwell Servicing) (A. Reg. 74/81)
- (Taxi Cab Industry) (A. Reg. 80/81)
- (Trucking Industry) (A. Reg. 78/81)

- Construction Industry and Brush Clearing (Vacation Pay and General Holiday Pay) Regulation (A. Reg. 81/80)
- Exemption Regulation (A. Reg. 83/81)
- Scheme Employment Regulation (A. Reg. 101/81)

- Adolescents and Young Persons Employment Regulation (A. Reg. 82/81)

The Child Welfare Act (R.S.A. 1970, c.45)

Coal Mines Safety Act (S.A. 1974, c.18)

Individual's Rights Protection Act (S.A. 1972; as am.)

School Act (R.S.A. 1970, c.329; as am.)

British Columbia

Employment Standards Act (S.B.C 1980, c.10)
Employment Standards Regulation (B.C. Reg. 37/81; as am.)

Human Rights Code (R.S.B.C. 1979, c.186)

Public Construction Fair Wages Act (S.B.C. 1976, c.43)

Schools Act (R.S.B.C. 1979, c.375)

Manitoba

Construction Industry Wages Act (R.S.M. 1970, c.C190; as am.)

Employment Standards Act. (R.S.M. 1970, C.E110; as am.)
Regulations Respecting Minimum Wages and Working Conditions (M.R.R. 1971, Reg. E110-R1; as am.)
Regulation: Termination of Employment (M. Reg. 87/73)

Payment of Wages Act (C.C.S.M., C.P15; as am.)

Remembrance Day Act (R.S.M. 1970, C.R80; as am.)

Retail Businesses Holiday Closing Act (C.C.S.M., c.R120)

School Attendance Act (R.S.M. 1970, c.S20; as am.)

Shops Regulations Act (R.S.M. 1970, c.S110; as am.)

Vacations with Pay Act (R.S.M. 1970, c.V20; as am.)

Wages Recovery Act (R.S.M. 1970, c.W10)

New Brunswick

Closing of Retail Establishments Act (R.S.N.B. 1973, c.C-7; as am.)

Employment Standards Act, Bill 77, as adopted, assented to June 17, 1982.

Fair Wages and Hours of Labour Act (R.S.N.B. 1973, c.F-2)
Fair Wages and Hours of Labour Act Regulations (N.B. Reg. 58)

Human Rights Code (R.S.N.B. 1973, c.H-11; as am.)

Minimum Employment Standards Act (R.S.N.B. 1973, c.M-12; as am.)
Regulation (N.B. Reg. 75-71; as am.)

Minimum Wage Act (R.S.N.B. 1973, c.M-13; as am.)
Minimum Wage Order (eff. June 1, 1976)

New Brunswick (continued)

New Brunswick Day Act (S.N.B. 1975, c.N-4.1)

Occupational Safety Act (S.N.B. 1976, c.O-0.1)

Schools Act (R.S.N.B. 1973, c.S-5; as am.)

Vacation Pay Act (R.S.N.B. 1973, c.V-1; as am.)

Newfoundland

Child Welfare Act (S.N. 1972, c.37, as am.)

Labour Standards Act (S.N. 1977, c.52)
Labour Standards Regulations, 1980 (N. Reg. 97/80)

Newfoundland Human Rights Code (R.S.N. 1970, c.262; as am.)

School Attendance Act, 1978 (S.N. 1978, c.78)

Nova Scotia

Construction Safety Act (R.S.N.S. 1967, c.52; as am.)

Labour Standards Code (S.N.S. 1972, c.10; as am.)
Regulations (O.C. No. 76-1203)
General Minimum Wage Order (N.S. Reg. 84/77)
General Minimum Wage Order (N.S. Reg. 54/80)

Education Act (R.S.N.S. 1967, c.81; as am.)

Ontario

Education Act (S.O. 1974, c.109; as am.)

Employment Standards Act, 1974 (S.O. 1974, c.112; as am.)
Fruit, Vegetable and Tobacco Harvesters Regulation
(O. Reg. 320/75; as am.)
Benefit Plans Regulation (O. Reg. 654/75; as am.)
General Regulation (O. Reg. 803/75; as am.)
Termination of Employment Regulation (R.R.O. 1970, Reg. 251)
Domestics and Nannies (O. Reg. 1013/80)

Occupational Health and Safety Act, 1978 - Regulations
(Industrial Establishments, O. Reg. 658/79)
(Construction Projects, O. Reg. 659/79)
(Mines and Mining Plants, O. Reg. 660/79)

Ontario (continued)

One Day's Rest in Seven Act (R.S.O. 1970, c.305)

Retail Business Holidays Act (S.O. 1975 (Second Session) c.9)

Prince Edward Island

Human Rights Act (S.P.E.I. 1975, c.72 as am.)

Labour Act (R.S.P.E.I. 1974, c.L-1; as am.)
P.E.I. Regulations
Minimum Wage Order 1/81 (EC 25/81)
Minimum Wage Order 1/82 (EC 44/82)

Minimum Age of Employment Act (R.S.P.E.I., 1974 c.M-11)

School Act (R.S.P.E.I. 1974, c.S-2)

Québec

An Act respecting labour standards (S.Q. 1979, c.45 as am.)
Regulation respecting labour standards (O.C. 873-81)
Ordinance No. 3, Vacation (O.C. 2122-72; as am.)
Ordinance No. 4, General (O.C. 2123-72; as am.)
Ordinance No. 14, 1973, Retail Food Trade (O.C. 783-73; as am.)

Charter of Human Rights and Freedoms (R.S.Q. 1977, c.C-12; as am.)

Civil Code (Masters and Servants, Art. 1665A-1670)

Collective Agreement Decrees Act (R.S.Q. 1977, c.D-2; as am.)

Commercial Establishments Business Hours Act (R.S.Q. 1977, c.H-2; as am.)

Education Act (R.S.Q. 1977, c.I-14; as am.)

Regulation Concerning Industrial and Commercial Establishments (O.C. No.3787/72)

Construction Safety Code (O.C. 1576-74)

Manpower Vocational Training and Qualifications Act (R.S.Q. 1977, c.F-5; as am.)
Regulation Respecting Collective Dismissal Advance Notice (O.C. No. 717-70)

National Holiday Act (S.Q. 1978, c.5; as am.)

Québec (continued)

Occupational Health and Safety Act (S.Q. 1979, c.63)

Saskatchewan

Education Act (S.S. 1978, c.17)

Family Services Act (R.S.S. 1978, c.F-7)

Labour Standards Act (R.S.S. 1978, c.L-1; as am.)
Labour Standards Regulations (S. Reg. 317/77)
Minimum Wage Board Order No. 1 (1981) (S. Reg. 201/80)
Minimum Wage Board Order No. 2 (1981) (S. Reg. 203/80)
Minimum Wage Board Order No. 3 (1981) (S. Reg. 204/80)
Minimum Wage Board Regulation No. 1
Minimum Wage Board Order No. 1962 "A"

Wages Recovery Act (R.S.S. 1978, c.W-1)

Occupational Health and Safety Act Regulation (O.C. 437/81)

Northwest Territories

Fair Practices Ordinance (R.O.N.W.T. 1974, c.F-2)

Labour Standards Ordinance (R.O.N.W.T. 1974, c.L-1; as am.)
Annual Vacations Regulations (C.O. No. 274-68)
Labour Standards Wages Regulations (C.O. No. 140-74)
Employment of Young Persons Regulations (C.O. No. 133-79)

School Ordinance (R.O.N.W.T. 1974, c.S-3)

Wages Recovery Act (R.O.N.W.T. 1974, c.W-1; as am.)

Yukon Territory

Labour Standards Ordinance (R.O.Y.T., 1971 c.L-1; as am.)
Regulations (C.O. 1968/116)
C.O. 1973/156 meal period
C.O. 1974/115 continuous operation
C.O. 1974/240 four day work week

School Ordinance (R.O.Y.T. 1975, c.S-3)

Wages Recovery Ordinance (R.O.Y.T. 1975, c.W-1)